

Sines, et al. v. Kessler, et al., 3:17CV72, 11/04/2021

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF VIRGINIA
3 CHARLOTTESVILLE DIVISION

4 ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72
5 NOVEMBER 4, 2021, 9:03 AM
6 JURY TRIAL, DAY 9

Plaintiffs,

7 vs.

Before:

8 HONORABLE NORMAN K. MOON
UNITED STATES DISTRICT JUDGE
9 JASON KESSLER, ET AL., WESTERN DISTRICT OF VIRGINIA

Defendants.

11 APPEARANCES:

12
13 For the Plaintiffs: ALAN LEVINE, ESQUIRE
14 COOLEY LLP
1114 Avenue of the Americas, 46th
15 Floor
New York, NY 10036
212.479.6260

16
17 DAVID E. MILLS, ESQUIRE
COOLEY LLP
1299 Pennsylvania Avenue, NW,
18 Suite 700
Washington, DC 20004
19 202.842.7800

20
21
22 Court Reporter: Lisa M. Blair, RPR, RMR, CRR, FOCR
23 255 West Main Street, Suite 304
Charlottesville, Virginia 22902
24 434.296.9284

25 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY;
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Sines, et al. v. Kessler, et al., 3:17CV72, 11/04/2021

1 APPEARANCES CONTINUED:

2 For the Plaintiffs:

MICHAEL L. BLOCH, ESQUIRE
EMILY C. COLE, ESQUIRE
ROBERTA A. KAPLAN, ESQUIRE
Kaplan Hecker & Fink LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118
212.763.0883

KAREN L. DUNN, ESQUIRE
WILLIAM A. ISAACSON, ESQUIRE
ARPINE S. LAWYER, ESQUIRE
JESSICA E. PHILLIPS, ESQUIRE
Paul, Weiss, Rifkind, Wharton &
Garrison LLP
2001 K Street, NW
Washington, DC 20006
202.223.7300

11 For the Defendants:

DAVID L. CAMPBELL, ESQUIRE
Duane, Hauck, Davis, Gravatt &
Campbell, P.C.
100 West Franklin Street, Suite 100
Richmond, VA 23220
804.644.7400

CHRISTOPHER CANTWELL, PRO SE
#00991-509
USP Marion
4500 Prison Road, PO Box 2000
Marion, IL 62959

BRYAN J. JONES, ESQUIRE
Bryan J. Jones, Attorney at law
106 W. South Street, Suite 211
Charlottesville, VA 22902
540.623.6952

JAMES E. KOLENICH, ESQUIRE
Kolenich Law Office
9435 Waterstone Blvd., Suite 140
Cincinnati, OH 45249
513.444.2150

1 APPEARANCES CONTINUED:

2 For the Defendants:

WILLIAM E. REBROOK, IV, ESQUIRE
(Appearing via Zoom)
The ReBrook Law Office
6013 Clerkenwell Court
Burke, VA 22015
571.215.9006

JOSHUA SMITH, ESQUIRE
(Appearing via Zoom)
Smith LLC
807 Crane Avenue
Pittsburgh, PA 15216
917.567.3168

RICHARD SPENCER, PRO SE
P.O. Box 1676
Whitefish, MT 59937

DILLON HOPPER, PRO SE
(Appearing via Zoom)

25

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1 (Proceedings commenced, 9:03 a.m.)

2 THE COURT: Good morning. Call the case.

3 THE CLERK: This is Civil Action Number
4 3:17-cv-00072, Elizabeth Sines and others versus Jason Kessler
5 and others.

6 THE COURT: Plaintiffs ready?

7 MS. KAPLAN: We are, Your Honor.

8 THE COURT: Defendants ready?

9 MR. JONES: Yes, Your Honor.

10 THE COURT: Before we begin I'll remind everyone that
11 under Standing Order 2020-12 and 2013-8 the Court's prohibition
12 against recording and broadcasting court proceedings remains in
13 force. Attorneys, parties, members of their staff, any members
14 of the public or press accessing this proceeding today may not
15 record or broadcast it. That means no photography, no using
16 any video or audio recording device, no rebroadcasting,
17 livestreaming or otherwise disseminating any live or recorded
18 video or audio of this proceeding.

19 A couple of things before we call the jury back.

20 First, concerning Dillon Hopper's depositions.
21 Mr. Kolenich, you said yesterday you may have an objection to
22 introduction of those depositions at trial but you had not yet
23 reviewed plaintiffs' letter of November 2nd. In that letter
24 plaintiff argues that depositions of a Rule 30(b)(6) witness
25 may be used for any purpose, including at trial, even if the

1 same witness is available to testify.

2 Have you had a chance to review the letter, and if
3 so, do you still object or have any contrary authority?

4 MR. KOLENICH: Yes, sir, I reviewed the letter. Our
5 objection is based on the fact that a corporation cannot
6 participate in federal litigation, except through an attorney.
7 Now, at the time Vanguard allegedly designated a 30(b)(6)
8 witness, I don't believe they were a represented party.
9 Therefore no attorney designated a witness, therefore the
10 designation was not according to law.

11 I did look through my records, and I cannot find
12 where I assisted them in any way or made the designation. If
13 I'm wrong about that, then the objection would have to be
14 withdrawn.

15 If they cannot participate in litigation, then they
16 cannot -- naming a 30(b)(6) witness is participating in
17 litigation; therefore, they can't name the witness and the
18 deposition shouldn't have happened. It should not come into
19 evidence. They're a defaulted -- not defaulted, but they're a
20 sanctioned party. The plaintiffs have that. They're not being
21 badly impacted by this objection, if it's granted.

22 MS. KAPLAN: If you'd like me to respond, Your Honor,
23 I can.

24 THE COURT: Let me say one thing. 32(a)(3) states
25 that an adverse party may use for any purpose the deposition of

1 a party or anyone who, when deposed, was a party's officer,
2 director, managing agent, or designee. Case law cited by
3 plaintiffs in that letter made clear, as does the text, that
4 that includes at trial. Moreover, Mr. Hopper qualified as such
5 an officer, director, managing agent, or designee when he was
6 deposed in 2019 and 2020. Mr. Hopper was deposed as Vanguard
7 America's Rule 30(b)(6) designee. He characterized himself as
8 the head of Vanguard America, and the Court has repeatedly
9 considered him an officer or managing agent of Vanguard
10 America.

11 The plain text of Rule 32(a)(3) and relevant
12 precedent cited by plaintiffs and otherwise considered by this
13 Court established that a party is permitted to introduce the
14 deposition of an adversary as part of their substantive proof,
15 regardless of their adversary's ability to testify at trial.

16 Accordingly -- okay. What do you have to say?

17 MS. KAPLAN: With respect to the question of Vanguard
18 America and having an attorney, Your Honor, they can't use it
19 as a sword and as a shield. That's the problem. Mr. Hopper,
20 as we understand it, has been Zooming in to this trial
21 periodically throughout the trial. He is Zooming in. He is
22 not a party, other than as a representative of Vanguard
23 America. And according to what Mr. Kolenich just said, he
24 shouldn't have even been able to Zoom into the trial.

25 Secondly, Your Honor, there was kind of a long

1 legacy -- which we can fill Your Honor in on. I can get the
2 pages -- before Magistrate Judge Hoppe on this. And both of
3 those depositions were done pursuant to the order of Magistrate
4 Judge Hoppe that we were entitled to someone to ask questions
5 about Vanguard America. They were warned repeatedly that they
6 should have an attorney. They didn't have an attorney. The
7 depositions were ordered and they can't use this attorney
8 argument as both a sword and a shield.

9 MR. KOLENICH: Your Honor, obviously I'm not speaking
10 for Vanguard America and have not -- you know, I've been
11 withdrawn for some time from their representation. But any
12 evidence introduced, the jury is going to hear, and limiting
13 instructions or not, it may have a spillover effect on the
14 other defendants.

15 Now, it's true, and we admit, that an officer of a
16 corporation may be deposed, but they did a 30(b)(6) deposition,
17 which has the added benefit of binding the corporation. You
18 know, they can't refute that or try to expand on it at trial.
19 They're stuck with it. And so at least at a minimum I think
20 they shouldn't be stuck with the consequences of a 30(b)(6)
21 deposition because they could not name one at the point where
22 the plaintiffs took this deposition. Magistrate Judge Hoppe
23 was wrong is our --

24 MS. KAPLAN: If you believed Magistrate Judge Hoppe
25 was wrong, Mr. Kolenich, you should have appealed that order.

1 It's the law of this case and those depositions are valid.

2 THE COURT: Don't --

3 MS. KAPLAN: Excuse me, Your Honor. I apologize.

4 THE COURT: The ruling is plaintiffs may play the
5 deposition of Mr. Hopper as Vanguard America's officer or
6 managing agent subject to the Court giving the limiting
7 instruction of the second deposition as to Mr. Cantwell.

8 Next, the Court mentioned yesterday the parties
9 should work to supplement their exhibits with specific edited
10 clips of video or audio exhibits where only a portion of such
11 evidence was admitted from the larger video or audio files, and
12 that the edited clip should be provided to the clerk's office
13 the day following the introduction, after the parties have
14 consulted, to make sure the edited video represents portions
15 that should be admitted.

16 Is that process under way? And is that going okay?

17 MS. KAPLAN: I was just looking at my team, Your
18 Honor. I hope it is. And if it's not, it will be under way
19 immediately.

20 THE COURT: I will remind the parties what the Court
21 said on Tuesday when plaintiffs first raised the issue with the
22 Court; that is defendants, in particular the *pro se* defendants,
23 and everybody must be careful to make sure that questions of
24 any co-defendants are not leading questions. Questions should
25 be open-ended. The questions themselves should not suggest the

1 answer.

2 Okay. All right. Mr. Kolenich, also yesterday you
3 filed an objection to certain portions of Mr. Kline's
4 deposition. The Court notes that if objections are to be
5 raised and counsel seeks a resolution, the Court will require
6 counsel to raise the matter to the Court's attention no later
7 than the time of the relevant question and answer, and the
8 Court need -- the Court would need relevant deposition
9 transcript and line numbers at the time.

10 Am I right that the portions of the Kline deposition
11 played yesterday did not encompass any of the specific lines to
12 which you raised an objection in your letter yesterday?

13 MR. KOLENICH: Yes, Your Honor. We did meet and
14 confer before the deposition was played and worked all that
15 out. So I have no additional objections pending.

16 THE COURT: All right. Okay. I'm going to instruct
17 the jury when it comes in regarding Mr. Cantwell not being
18 bound by the Kline deposition.

19 All right. Call the jury in.

20 **(Jury in, 9:13 a.m.)**

21 THE COURT: All right. Good morning, ladies and
22 gentlemen. Everyone have a seat.

23 Before we resume with Mr. Kline's deposition, I want
24 to read this instruction to the jury. I will remind you that
25 each party is entitled to have the case decided solely on the

1 evidence that applies to that party. Some of the evidence in
2 this case is limited under the rules of evidence to some of the
3 parties and not -- cannot be considered against the others.

4 Plaintiffs' deposition testimony from Mr. Kline may
5 not be considered by you in connection with Defendant
6 Christopher Cantwell because of his inability and lack of
7 notice at the deposition. However, it may be considered by you
8 in connection with the other defendants.

9 All right. We may resume the deposition.

10 (Video deposition of Elliot Kline played.)

11 MS. DUNN: Your Honor, this video is concluded.

12 We need to move exhibits into evidence. It's a long
13 list, so it might take some time just to put it on the record.
14 We also need to move in the exhibits described in the Ray
15 presentation.

16 So if you'd like me to proceed, I can read the
17 exhibits from Mr. Kline's deposition.

18 THE COURT: All right.

19 MS. DUNN: We move PX-3435, PX-914 --

20 THE CLERK: If you could go slowly, Ms. Dunn. So the
21 first one was 3435?

22 MS. DUNN: Yes.

23 THE COURT: Are these the exhibits that were in the
24 deposition?

25 MS. DUNN: Yes, Your Honor.

1 THE COURT: Can we agree on those?

2 MR. KOLENICH: We have no objection to any of the
3 exhibits shown in the video that we saw, and so if they want to
4 do that off the record, that's okay.

5 MS. DUNN: That would be welcome.

6 THE COURT: All right.

7 (Plaintiffs' Exhibits 3435, 0914, 0561, 1341, 0733,
8 0913, 1976, 0909, 0785, 0487, 1326, 0815, 0818, 0811, 0812,
9 0776, 0796, 2010, 0808, 1301, 0930, 0809, 0805, 0832, 1037,
10 1288, 1399, 1400, 1305, 3114, 0813, 3781, 0727, 3782, 0867,
11 1401, 1987, 2155, 2636, 1988, 2864, 1256, 1986, 1991 marked and
12 admitted.)

13 MR. CANTWELL: If I could -- Christopher Cantwell --
14 just to be clear, the exhibits that they are entering in are
15 subject to the same limiting instruction, right?

16 THE COURT: Correct.

17 MR. CANTWELL: Okay.

18 THE COURT: Anything that came up in the deposition
19 is not to be used in consideration of Mr. Kline, but it may be
20 used in consideration of all the other defendants.

21 MS. DUNN: Your Honor, we can discuss this separately
22 outside -- you know, at sidebar, but some of these exhibits, I
23 would think all of them are separately admissible as evidence
24 in the case.

25 THE COURT: Well, they may be separately admissible,

R. Spencer - Direct

1 if properly proven, as to Mr. Cantwell, but we'll take those up
2 separately.

3 MS. DUNN: Yeah, let's take that up separately, if we
4 could.

5 And then with regard to the exhibits during
6 Mr. Isaacson's presentation of Mr. Ray's evidence, we have some
7 of -- we have the exhibit numbers for that. If Your Honor
8 would like to handle that in the same way as Mr. Kolenich has
9 suggested, that would be fine with us.

10 MR. KOLENICH: No objection, Your Honor.

11 THE COURT: All right. They will be admitted, then.

12 MS. DUNN: Thank you, Your Honor.

13 THE COURT: What's the next?

14 MR. BLOCH: Judge, at this time, the plaintiffs call
15 Richard Spencer.

16 Judge, may I approach the bench with some documents
17 for the Court?

18 THE COURT: Yes.

19 RICHARD SPENCER, CALLED BY THE PLAINTIFFS, SWORN

20 DIRECT EXAMINATION

21 MR. BLOCH: May I proceed, Your Honor?

22 THE COURT: You may proceed.

23 BY MR. BLOCH:

24 Q Good morning, Mr. Spencer.

25 A Good morning.

R. Spencer - Direct

1 Q Mr. Spencer, I want to start by talking about your
2 educational background. Okay?

3 A Yes.

4 Q You graduated from the St. Mark's School of Texas,
5 correct?

6 A Correct.

7 Q That's a private school in Texas?

8 A Correct.

9 Q And you went to college here at the University of
10 Virginia, right?

11 A Correct.

12 Q You got a dual degree in both English and music history,
13 right?

14 A English and music, yes.

15 Q And you graduated with high distinction, right?

16 A Correct.

17 Q You then got a master's degree from the University of
18 Chicago, correct?

19 A Correct.

20 Q And you studied philosophy there?

21 A Correct.

22 Q And particularly, you studied German idealism, right?

23 A Correct.

24 Q You then entered a Ph.D. program at Duke University; isn't
25 that right?

R. Spencer - Direct

1 A Correct.

2 Q And there you studied post-German idealism as a doctoral
3 student, correct?

4 A I don't want to get into the exact details. I focused on
5 philosophy and the history of philosophy with an emphasis on
6 people like Nietzsche and Kant and so on. So that's accurate,
7 more or less.

8 Q Would you also characterize that as post-German idealism?

9 A That would be fine, yes.

10 Q You spent two to three years in that Ph.D. program, right?

11 A Two years.

12 Q Two years. And in 2007 you left the program, right?

13 A Yes.

14 Q And you decided at that point that you didn't want to
15 pursue academia as a career, right?

16 A Yes. That's fair.

17 Q You wanted to do something more public-facing; is that
18 fair to say?

19 A Yes.

20 Q You wanted to be able to share your views more widely with
21 others, right?

22 A Yes.

23 Q You wanted to build more of a platform to share your
24 views, right?

25 A Yes.

R. Spencer - Direct

1 Q And so you took a job at that point as a journalist,
2 right?

3 A Yes. I mean, my -- I was offered the job at the American
4 Conservative magazine, and that probably sparked my leaving
5 academia as well. I was more excited by something that was a
6 little more public and timely and -- yeah.

7 Q And you soon became an advocate for white people, right?

8 A I don't think that's accurate, to be honest.

9 Q You wouldn't call yourself an advocate for white people?

10 A Oh, I think that's a fair statement during the time of
11 UTR, but if -- just keeping with the chronology of leaving
12 graduate school, I don't think that's the best way of putting
13 it, to be honest.

14 Q At some point after leaving academia, would it be fair to
15 say that you became an advocate for white people prior to Unite
16 the Right?

17 A Yes, if you would like -- I don't like using that term,
18 but if you would like to, I'm not going to get into a fight
19 over it.

20 Q Okay. Well, you spoke about your sincerely held beliefs,
21 right?

22 A Yes.

23 Q So let's talk about those beliefs, okay?

24 A Okay.

25 Q In 2017, you believed that black people and white people

R. Spencer - Direct

1 should be segregated, correct?

2 A I mean, I'm not sure I used words like, "They should be
3 segregated." I don't think that's quite accurate.

4 Q You wouldn't say that you believed black people and --
5 well, you wouldn't say that you believed that the races should
6 be segregated? You wouldn't say that?

7 A This -- when you say -- I don't want to get into endless
8 disputes about this, because -- but if I could just concisely
9 express my view on the matter --

10 Q Well, the question, Mr. Spencer, is: Did you believe that
11 the races should be segregated, yes or no?

12 A No. That's not how I would think about my views.

13 Q Well, you recall that you gave testimony previously in
14 this case, right?

15 A Are you referring to the depositions?

16 Q Correct.

17 A Okay.

18 Q You were deposed in this case, right?

19 A Yes. Yes, I remember that.

20 Q And you were under oath at the time, right?

21 A Right.

22 Q And that means that you swore to tell the truth, right?

23 A Yes. If I used a word like "segregated" then, I'm really
24 not -- this is about language more than actual ideology. If
25 you want to ask me a question about what I believe, I could

R. Spencer - Direct

1 concisely tell you, but it -- I might have used one word then,
2 used another words -- but it's not the word itself. It's about
3 what I believe. So I don't want to get into a dispute about
4 this, to be honest.

5 Q I understand that. My question -- and I'd ask you to
6 focus on my questions.

7 A Okay.

8 Q My question was: You swore to tell the truth, right?

9 A Yes, absolutely.

10 Q And you did tell the truth, right?

11 A Yes.

12 Q And in that -- and that was July of 2020, right?

13 A Yes.

14 Q And in that deposition were you asked this question and
15 did you give this answer?

16 Question: "And fair to say that another way of putting
17 that is you believe the races should be segregated, correct?"

18 Answer: "Ultimately, yes."

19 Did you give that testimony?

20 A I don't remember that exact, but I don't also think you're
21 misrepresenting me. So that is fair. And I don't want to
22 dispute that. And I'm not lying now and I was not lying then.
23 It's simply a semantic issue.

24 Q Right. Mr. Spencer, I'm going to ask you to focus on my
25 questions, okay? And the question here is --

R. Spencer - Direct

1 THE COURT: Wait.

2 I'll just tell the jury that that's what the record
3 shows: You were asked that question and you gave that answer.

4 THE WITNESS: Yes, and I'm not disputing that.

5 BY MR. BLOCH:

6 Q And you also believe that, in your words, "black and
7 Hispanic immigrants are part of an underclass we don't want in
8 our society," correct?

9 A I said that, or was that -- that was the question?

10 Q My question is: Did you believe that?

11 A That they're part of an underclass, no.

12 Q Okay.

13 MR. BLOCH: Could we show the witness PX-2553? It's
14 audio.

15 Judge, I'd like to authenticate some audio with the
16 witness. That is his voice on our exhibit list, and not
17 objected to.

18 With that said, I'd like to move it into evidence,
19 unless there's some way to play it for the witness so he can
20 hear his voice first.

21 THE COURT: Well, do you want to authenticate --

22 MR. BLOCH: I'd like to play a statement by
23 Mr. Spencer. I don't believe there will be any dispute that it
24 was Mr. Spencer and it has not been objected to.

25 THE COURT: Well, tell us when and where.

R. Spencer - Direct

1 MR. BLOCH: It was on a radio show of sorts. And I
2 believe it was August of 2017, but I need to check.

3 THE COURT: Are you going to play it and ask
4 Mr. Spencer if he said it?

5 MR. BLOCH: Correct.

6 THE COURT: Okay. Go ahead.

7 MR. BLOCH: So at this point I'd move PX-2553 into
8 evidence.

9 (Plaintiffs' Exhibit 2553 marked.)

10 MR. JONES: Is this the full two-hour recording, or
11 just the --

12 (Overlapping speakers.)

13 THE COURT: -- for identification.

14 MR. BLOCH: I'd like to play from 7:10 to 7:27,
15 17 seconds.

16 THE COURT: Okay.

17 (Plaintiffs' Exhibit 2553 admitted.)

18 (Video playing.)

19 BY MR. BLOCH:

20 Q Did you say that, Mr. Spencer?

21 A That sounds like my voice, yes.

22 Q And you also believed that, in your words, Hispanics and
23 African Americans have lower IQs than whites and are
24 genetically predisposed to commit crimes, right?

25 A I will go through this. I said a lot of people are going

R. Spencer - Direct

1 to be a part of an underclass. Many of those people aren't
2 going to be part of an underclass. In terms of -- no one is
3 genetically -- I mean, I -- there are average IQ differences
4 between the races, yes. I am convinced of that fact.
5 Intelligence and average IQ is strongly correlated with social
6 dysfunction and crime and all sort of other things.

7 Q Did you say, Mr. Spencer, that it is an empirical fact
8 that Hispanics and African Americans have lower IQs than whites
9 and are genetically predisposed to commit crimes?

10 A Did I say those exact words?

11 Q Correct.

12 A Well, it sounds like you -- I don't believe I said those
13 exact words. There are average IQ differences between the
14 races. Intelligence in general is correlated with being a
15 functional person in society. That's what I believe.

16 MR. BLOCH: I'd like to show the witness PX-2541,
17 time stamp 2:25 to 2:38.

18 (Plaintiffs' Exhibit 2541 marked.)

19 BY MR. BLOCH:

20 Q Mr. Spencer, is this a video of you being interviewed
21 prior to Unite the Right?

22 A Yes.

23 MR. BLOCH: I'd like to move 2541 into evidence, the
24 time stamp from 2:25 to 2:38.

25 THE COURT: All right. Any objection?

R. Spencer - Direct

1 MR. BLOCH: And publish to the jury, please.

2 (Plaintiffs' Exhibit 2541 admitted.)

3 (Video playing.)

4 THE WITNESS: She said --

5 BY MR. BLOCH:

6 Q There's no question, Mr. Spencer. The question is --

7 A I'm not lying about what I believe. I mean, there is an
8 issue of she represented something that Mother Jones said in
9 her own words, and I'm telling you how I understand these
10 things in my words. I'm not misrepresenting anything.

11 Q Mr. Spencer, let me ask the question. Okay?

12 A Okay.

13 Q Did you say those things?

14 A Did I say that there are average IQ differences between
15 races? I've published books on the subject. Yes, I believe
16 there are average IQ differences between races.

17 Q Let me be more specific.

18 A Okay.

19 Q Did you say the words that are on the video showing that
20 you said those words?

21 A I don't know if I -- those exact words -- I don't know why
22 we're getting hung up on exact terminology. I have expressed a
23 very, very -- if not the same sentiment.

24 Q Let me be a little bit more specific.

25 Was that you on that video?

R. Spencer - Direct

1 A Yes.

2 Q Now, you also had the belief in August 2017 and stated
3 that college bring in, quote, "Negroes with 80 IQs to go play
4 football and rape white cheerleaders." Did you say that?

5 A I don't remember saying that.

6 MR. BLOCH: Could we show the witness PX-2556?

7 Again, Your Honor, this is audio. It is the words of
8 Mr. Spencer. I don't believe there will be any objection to
9 that.

10 THE COURT: All right. Go ahead.

11 MR. BLOCH: I'd also like to move that into evidence,
12 PX-2556. And just for the record, I'm only moving in time
13 stamp 1:49:57 to 1:50:05.

14 THE COURT: All right.

15 (Plaintiffs' Exhibit 2556 marked.)

16 (Plaintiffs' Exhibit 2556 admitted.)

17 (Video playing.)

18 THE WITNESS: That's my voice, yes.

19 MR. BLOCH: I'd also like to introduce PX -- if we
20 could show the witness PX-2563.

21 (Plaintiffs' Exhibit 2563 marked.)

22 BY MR. BLOCH:

23 Q And just take a look and affirm for me that that's you.

24 THE COURT: All right.

25 (Video playing.)

R. Spencer - Direct

1 THE WITNESS: Yes, that's me.

2 MR. BLOCH: Judge, I'd like to move into evidence
3 PX-2563, from the time stamp 1:40 to 1:55, and publish to the
4 jury.

5 THE COURT: All right. You may.

6 (Plaintiffs' Exhibit 2563 admitted.)

7 (Video playing.)

8 BY MR. BLOCH:

9 Q Did you say that, Mr. Spencer, in a speech in 2016?

10 A Correct.

11 MR. BLOCH: And if I could also introduce the same
12 exhibit from time stamp 0:41 to 0:50, please, and publish to
13 the jury.

14 (Video playing.)

15 BY MR. BLOCH:

16 Q Mr. Spencer, did you also say that in that same speech?

17 A Yes.

18 Q When you said "For us, it is conquer or die," by "us" you
19 meant white people, correct?

20 A Yes.

21 Q One of the things that you advocate for, Mr. Spencer, is
22 the creation of a white ethnostate, correct?

23 A Correct.

24 Q And a white ethnostate is a homeland for white people,
25 right?

R. Spencer - Direct

1 A Right.

2 Q And you agree with me that the logistics of actually
3 separating the races is not easy, right?

4 A Yes. That's why the notion of an ethnostate, as I have
5 stated, it's a telos. It's a big idea like communism. Karl
6 Marx infamously never actually described what communism would
7 look like. It's an ideal of reinstituting the Roman Empire.
8 It's a big, voluptuous idea, as I stated.

9 Q Right. It's a big idea. And you agree with me that
10 actually accomplishing that is not easy, right?

11 A No.

12 Q And you also believe that the creation of a white
13 ethnostate could be, in your words, "bloody and terrible,"
14 right?

15 A I'm sure I used words like "blood and tears," yes. Yes.

16 Q How about "bloody and terrible"?

17 A I might have used those words. I presume you're going to
18 quote them to me in a moment.

19 Q You used those words, right, Mr. Spencer?

20 A I'll take your word for it. Yeah. We don't have to go
21 through that.

22 Q Well, don't take my word for it.

23 MR. BLOCH: Let's -- can we --

24 THE COURT: This is just getting tedious. Show him
25 what he said and ask him if he did it. There's nothing

R. Spencer - Direct

1 accomplished by paraphrasing or something what he might have
2 said and having him -- I mean, he's not denying anything. And
3 so just show him up front and let's move on.

4 MR. BLOCH: Understood, Judge.

5 Could we introduce or show the witness PX-2541,
6 please?

7 (Plaintiffs' Exhibit 2541 marked.)

8 BY MR. BLOCH:

9 Q Mr. Spencer, is that you in that interview?

10 A That's me, yes.

11 MR. BLOCH: I would like to introduce PX-2541 from
12 6:30 to 7:04.

13 (Plaintiffs' Exhibit 2541 admitted.)

14 (Video playing.)

15 BY MR. BLOCH:

16 Q Was that you, Mr. Spencer?

17 A Yes.

18 Q And you think that if an ethnostate were to ever arise, it
19 would arise after, in your words, "a cataclysm of a
20 geopolitical nature," correct?

21 A Correct.

22 Q And a cataclysm is a large-scale violent event, right?

23 A Yes, but what I -- I was using terms like "crack-up." I
24 do -- there are times in history where big imperial paradigms
25 break down. You know, the Roman Empire fell. There are major

R. Spencer - Direct

1 paradigm shifts. And those are usually terrible --

2 Q Mr. Spencer --

3 A -- and something comes out of it. I'm trying to actually
4 tell you what I think.

5 Q Well, I'm going to ask you to answer my questions. And my
6 question here was: A cataclysm is a large-scale violent event,
7 correct?

8 A There's more than violence about it, but yes, it's a
9 terrible trauma. Yes.

10 Q In other words, Mr. Spencer, a white ethnostate does not
11 arise without a race war, right?

12 A I'm not sure I necessarily agree with that.

13 Q Well, as an advocate for white people, you believe that
14 you are part of a movement, right?

15 A During 2017, I felt like I was part of a movement.

16 Q And, in other words, you were not just trying to do a few
17 speeches here and there; you were actually trying to effect
18 deep social change, right?

19 A No, I was trying to do a few speeches here and there and I
20 was trying to change people's thinking. And -- yeah, change
21 people's thinking on a wide scale, get my message across.

22 Q Well, you were trying to effect social change, right?

23 A I was trying to effect social change, yes.

24 Q And you realize that you can't do that alone, right?

25 A No. I don't actually believe that.

R. Spencer - Direct

1 Q A movement needs inspirational leaders, right?

2 A Yes. That's fair.

3 Q And a movement needs followers, right?

4 A Well, the movement is followers, yeah.

5 Q Sure. And a movement needs foot soldiers, right?

6 A If that's metaphorical, yes.

7 Q To build a movement, you need to attract a lot of people,
8 right?

9 A Ultimately, a movement is about a lot of people. It seems
10 like a tautology, is what you're saying.

11 Q Well, in 2017, fair to say that you had built a
12 significant following?

13 A I had built -- I was a well-known figure in 2017, yes.

14 Q And you were the president of an organization called the
15 National Policy Institute, right?

16 A Correct.

17 Q And National Policy Institute is an organization that
18 advocates for the cause of white people; is that fair to say?

19 A We cared about white people, yes.

20 Q My question was: It's an organization that advocates for
21 the cause --

22 A That's fair, yes.

23 Q NPI -- if I can call it NPI?

24 A Sure.

25 Q -- publishes reports, right?

R. Spencer - Direct

1 A Sure.

2 Q You personally co-wrote a report called Race 101, right?

3 A Yes, I remember that.

4 Q And, generally speaking, that report argues that the
5 average IQ for African Americans is significantly lower than
6 the average IQ of white Americans, right?

7 A Yes.

8 Q NPI had a listserv of a few thousand people, right?

9 A Are you referring to an email list?

10 Q Correct.

11 A Yes.

12 Q You had the ability to email the listserv, and that would
13 reach thousands of people, right?

14 A Yes.

15 Q You also, by the summer of 2017, had more than 70,000
16 followers on Twitter, right?

17 A By the end of 2017, is what you said? Or by the end of
18 the summer -- yes, I think that's more or less correct.

19 Twitter followers?

20 Q Correct.

21 A Yeah.

22 Q You also had founded and become the American editor of a
23 website called alt-right.com, right?

24 A I co-founded, yes, correct.

25 Q And you actually coined the phrase "alt-right," correct?

R. Spencer - Direct

1 A Yes. There's a little bit of dispute there, but yes.

2 Q You have given dozens of speeches on the topic of white
3 nationalism, right?

4 A Yes.

5 Q You would agree with me, Mr. Spencer, that you are a
6 powerful and bold speaker, right?

7 A Thank you, Mr. Bloch.

8 Q Do you agree with that?

9 A Yes, I do.

10 Q You know how to persuade people with your words, right?

11 A Yes.

12 Q And by 2017, you had become the most well-known alt-right
13 publisher and activist in the United States; isn't that true?

14 A That's fair.

15 Q And you had become one of the leaders of the white
16 nationalist movement in this country, right?

17 A That's fair.

18 Q And as a leader of the white nationalist movement, by
19 2017, you had developed relationships with other leaders in the
20 movement, right?

21 A Yes.

22 Q You were friends in 2017 with Nathan Damigo?

23 A Yes.

24 Q He was the leader of Identity Evropa, correct?

25 A Correct.

R. Spencer - Direct

1 Q You had collaborated with Mr. Damigo in multiple white
2 nationalist events prior to Unite the Right, right?

3 A Correct.

4 Q Elliot Kline was also an important friend of yours; isn't
5 that true?

6 A For that three-month period before -- during the Unite the
7 Right event, yes, I think it's safe to say that he was a
8 friend, yes.

9 THE COURT: Before we go on, we'll take about a
10 20-minute recess.

11 **(Jury out, 10:33 a.m.)**

12 THE COURT: Call the jury back.

13 **(Jury in, 10:56 a.m.)**

14 THE COURT: All right. You may proceed.

15 MR. BLOCH: Thank you, Judge.

16 BY MR. BLOCH:

17 Q Mr. Spencer, going back to the question I asked before the
18 break, Elliot Kline was an important friend of yours in 2017,
19 correct?

20 A Yes.

21 Q And he was also a high-ranking member of Identity Evropa,
22 correct?

23 A Correct.

24 Q You collaborated with Mr. Kline on various projects
25 related to white nationalism, correct?

R. Spencer - Direct

1 A Correct.

2 Q You had discussed with him his views on black people,
3 right?

4 A Probably.

5 Q You were aware of --

6 A I don't -- yes. Yes. I don't remember conversations like
7 that.

8 Q You were aware of Mr. Kline's views regarding Jewish
9 people, right?

10 A Yes.

11 Q You had heard him say things like "gas the kikes," right?

12 A Most likely.

13 Q You first spoke with Jason Kessler in 2016; isn't that
14 right?

15 A Yes. I think we had a phone conversation in 2016.

16 Q And then you met him again in January of 2017, correct?

17 A Yes.

18 Q You also knew Matt Heimbach prior to Unite the Right,
19 correct?

20 A Yes.

21 Q And you were aware of his reputation in the movement,
22 right?

23 A Very aware, yes.

24 Q And you're aware that in the movement he was known as a
25 neo-Nazi, right?

R. Spencer - Direct

1 A Yes.

2 Q You had attended white nationalist events with
3 Mr. Heimbach, right?

4 A When?

5 Q Well, you attended Charlottesville 1.0, for example?

6 A Yes.

7 Q You knew -- you also knew of Chris Cantwell for years
8 prior to Unite the Right, correct?

9 A I'm not sure I would use the term "years." I certainly
10 knew of him well before Unite the Right. Maybe not years.
11 Maybe since 2016.

12 Q Just going back to the testimony that you gave previously
13 in this case, were you asked this question and did you give
14 this answer, page 150, line 22: "Okay. I'd like to talk to
15 you about Chris Cantwell. You knew Mr. Cantwell prior to Unite
16 the Right, correct?"

17 Answer: "I met him -- I knew of him for a few years. And
18 I met him in 2017."

19 Did you give that --

20 A That's fair, yes.

21 Q The question --

22 A I don't want to get into tedious disputes. I'm answering
23 your questions right now. I knew of him for at least a year
24 before Unite the Right, that's fair.

25 Q Just to be clear for the record, my question is: Did you

R. Spencer - Direct

1 give that testimony?

2 A Yes.

3 Q You were also aware that Mr. Cantwell had a show called
4 Radical Agenda, correct?

5 A Yes.

6 Q And you were actually a guest on Radical Agenda prior to
7 Unite the Right, correct?

8 A I don't -- I don't quite remember that, but that's quite
9 possible.

10 Q Well, just let me know if this refreshes your
11 recollection. In your previous testimony, page 152, line 20,
12 were you asked this question and did you give this answer?

13 "You have appeared on Mr. Cantwell's show before,
14 correct?"

15 Answer: "I have appeared on it, yes."

16 Did you give that testimony?

17 A Yes.

18 Q And does that refresh your recollection?

19 A Yes. It does not quite refresh my recollection. It
20 doesn't surprise me.

21 Q And you've heard Mr. Cantwell express certain views of
22 Jewish people, right?

23 A Yes.

24 Q And of black people, right?

25 A Yes.

R. Spencer - Direct

1 Q You're aware that he has a reputation for being
2 antisemitic, right?

3 A Yes.

4 Q And for being racist, right?

5 A Yes.

6 Q Now, as a leader in the alt-right movement, you agree that
7 there are things that you will say in private that you won't
8 say in public, right?

9 A Well, I think that's -- that holds for almost everyone on
10 earth, to be honest.

11 Q And that includes you, right?

12 A Yes.

13 Q And as a leader you believe it's important to cultivate a
14 certain image, right?

15 A Yes.

16 Q In terms of things that you will say in private but won't
17 say in public, the word, excuse my language, "kike," that's
18 something that you'll use privately, but not publicly, right?

19 A I don't believe in demeaning anyone to their face in
20 most -- in any circumstance. That -- that's nasty.

21 Q Well, so we can talk about why, and we will talk about why
22 you won't say those things publicly, but the question right now
23 is: You agree that the word "kike" is a word that you use
24 privately but not publicly, right?

25 A I have used that word privately, yes.

R. Spencer - Direct

1 Q And the N word, for example, is a word that you will use
2 privately but not publicly, right?

3 A In my life I have used that word privately.

4 Q Let me ask the question again. The N word is a word that
5 you use privately but not publicly, right?

6 A When you say the word "use," I'm saying yes, that is not a
7 word to be used to demean anyone publicly.

8 Q Referring to your testimony in this case, Mr. Spencer,
9 page 39, line 8, were you asked this question and did you give
10 this answer?

11 "So just to be clear, the term 'house N word' is something
12 that you would use privately but not publicly; is that
13 correct?"

14 Answer: "Yes."

15 Did you give that testimony?

16 A I'll -- I take your word for it. I don't remember saying
17 that exactly.

18 Q Well, you were at the deposition, too, right?

19 A Of course I was. You're being --

20 THE COURT: Look. Look. Wait. This is what I'm
21 talking about. You've got -- one time, ask, was this question
22 asked and was this your answer? Don't -- let's not just keep
23 going through this long thing to get to one -- I mean,
24 quibbling over one word or something. It's just not
25 productive.

R. Spencer - Direct

1 MR. BLOCH: Understood, Your Honor.

2 THE COURT: Go ahead.

3 BY MR. BLOCH:

4 Q Mr. Spencer, yes or no, did you give that testimony?

5 A Yes. I gave that testimony. And I would like to say,
6 whenever you -- the word -- when you say "the N word," that is
7 what you would say publicly to refer to something, because it
8 is a nasty word. So "house N word," that seems to be something
9 you would actually say publicly, because I think Bill Maher got
10 in trouble for this a few months ago.

11 Q You're familiar with the Nazi salute?

12 A Yes.

13 Q The Nazi salute, that's something you would only do in
14 private settings, right?

15 A Yes.

16 Q And I think you alluded to this: The reason that you only
17 do those sorts of things and say those sort of things privately
18 is because you understand that they are offensive to most
19 people, right?

20 A Yes.

21 Q In fact, they are reprehensible to most people, right?

22 A I am not out here to demean or be nasty to someone in
23 public, yes.

24 Q Right. You would only use those words in private with
25 people who won't be offended by them; isn't that fair?

R. Spencer - Direct

1 A Yes.

2 Q You would only use that kind of language and those
3 gestures with people who share your goals, right?

4 A Yes.

5 Q People likely to be influenced by you, right?

6 A I --

7 MR. CANTWELL: Objection, calls for speculation.

8 THE COURT: Overruled. He can answer.

9 THE WITNESS: Likely to be --

10 MR. BLOCH: I'll withdraw the question, Your Honor.

11 BY MR. BLOCH:

12 Q Mr. Spencer, you agree with me that, for example, Elliot
13 Kline doesn't find it offensive when you say the word "kike,"
14 right?

15 A No, he wouldn't.

16 Q And you claim that you are not a white supremacist, right?

17 A Yes.

18 Q And you would agree with me that a white supremacist is a
19 white person who seeks to rule over other races, right?

20 A Yes.

21 Q And you claim that you don't believe that white people
22 should rule over black people, right?

23 A Yes.

24 Q You claim that you don't believe white people should rule
25 over Jewish people, right?

R. Spencer - Direct

1 A Yes.

2 Q You claim that you don't look down on black people, right?

3 A Yes.

4 Q You claim that you don't look down on Jewish people,
5 right?

6 A Yes.

7 Q But you only claim those things publicly; isn't that true,
8 Mr. Spencer?

9 A I claim those publicly and privately. I think what you're
10 referencing is the tirade from August 2017 that was secretly
11 recorded. And it was at the end of the day on that Saturday
12 after I had learned of the chaos in downtown Charlottesville,
13 of the death of a woman protester, of the death of police
14 officers. I was in a state of absolute frustration and it was
15 a dark moment for me. It was a terrible moment. I would -- I
16 had a tirade in private, and I would never want to make that
17 public. Someone secretly recorded it without my knowledge and
18 consent and published it, probably with the objective of
19 damaging me. It is what it is. It expresses childish,
20 terrible sentiments and I am ashamed of it.

21 Q Mr. Spencer, would you agree with me that when you're in
22 private, speaking with people who share your views and agenda,
23 you had no problem saying any of those things? Isn't that
24 true?

25 A Saying slur words? I'll certainly be looser with people

R. Spencer - Direct

1 in private, but I am not someone in private who is -- has a
2 foul mouth constantly. I'm a lot like this and I'm a lot like
3 I am publicly when I'm in private, speaking in private.

4 Q Well, let's -- I assume you have no objection to our
5 moving into evidence PX-2489?

6 A That's the tirade?

7 Q Correct.

8 A I have no objection.

9 MR. BLOCH: Judge, I would like to move that in and
10 publish it to the jury, please.

11 (Plaintiffs' Exhibit 2489 marked.)

12 (Plaintiffs' Exhibit 2489 admitted.)

13 THE COURT: You may.

14 (Video playing.)

15 MR. BLOCH: I believe there's a little bit more.

16 (Video playing.)

17 BY MR. BLOCH:

18 Q Mr. Spencer, you said that on August 12th, 2017 in
19 Charlottesville, Virginia, right?

20 A Yes.

21 Q And to be clear, when you say, quote, "We're going to
22 destroy this fucking town," the town you're referring to was
23 this town, right?

24 A Yes.

25 Q And at the time, you were in a room with Nathan Damigo,

R. Spencer - Direct

1 Jason Kessler, Elliot Kline, and a few other white
2 nationalists, right?

3 A As I remember, yes.

4 Q And as you just testified, you believed that you were in
5 private, right?

6 A I did.

7 Q That recording was made secretly, right?

8 A Correct.

9 Q And when you said, "Little fucking octoroons. My fucking
10 ancestors enslaved those little pieces of fucking shit. I rule
11 the fucking world. Those pieces of fucking shit get ruled by
12 people like me. They look up and see a face like mine looking
13 at them. That's how the fucking world works," isn't it true,
14 Mr. Spencer, that those are your sincerely held beliefs?

15 A No. There is a very stark differentiation between
16 sincerely held beliefs that I would define as something that
17 has been thought through and seriously criticized -- and
18 sincerely held belief could also be someone's religious
19 identity or spiritual identity. That's how I would define a
20 sincerely held belief.

21 There are also moments like that that capture my most
22 childish, embarrassing sentiments, the animal brain, you could
23 say, where I say things like "I rule the fucking world," which
24 is obviously absurd. That was me as a 7-year-old and it's a
25 7-year-old that's probably still inside me. I'm ashamed of it.

R. Spencer - Direct

1 Those are not my sincerely thoughtful beliefs. That is me at
2 my absolute worst. And if I -- I won't dispute that that's me
3 because at the end of the day, I have to live with that, but
4 that is a childish, awful version of myself.

5 Q Mr. Spencer, you believed that the movement that you had
6 been building had made a breakthrough in 2016, correct?

7 A Correct.

8 Q And the movement was building in 2017, right?

9 A Correct.

10 Q And you believed that the alt-right had a real opportunity
11 in 2017 to advance the goals that you had been advocating,
12 correct?

13 A Correct.

14 Q And one of your goals for the alt-right in 2017 was to,
15 quote, "dominate the streets," right?

16 A Correct. "Dominate the streets" is a metaphor for having
17 a presence and engaging in demonstrations and so on.

18 MR. BLOCH: If I could, I'd like to introduce another
19 audio that is Mr. Spencer. It's PX-2535. And I'd like to move
20 it into evidence and publish it to the jury.

21 THE COURT: All right.

22 (Plaintiffs' Exhibit 2535 marked.)

23 (Plaintiffs' Exhibit 2535 admitted.)

24 MR. BLOCH: This is from time stamp 1:00:13 to
25 1:00:36.

R. Spencer - Direct

1 BY MR. BLOCH:

2 Q Did you say that, Mr. Spencer, in 2017?

3 A Yes.

4 Q And when you say, "2017 is the IRL war," "IRL" stands for
5 "in real life," right?

6 A Correct.

7 THE COURT: Did you say what the date of that was?

8 MR. BLOCH: October 2017.

9 BY MR. BLOCH:

10 Q Mr. Spencer, you're familiar with the concept of
11 triggering?

12 A Yes.

13 Q And triggering is sending a message that provokes an angry
14 response, right?

15 A Yes.

16 Q You agree that one of the goals of white nationalist
17 rallies in 2017 was to trigger other people, right?

18 A Yes.

19 Q Now, there was a rally that took place in April of 2017 in
20 Berkeley, California, right?

21 A April of 2017?

22 Q Correct.

23 A I believe so. I don't know the exact date.

24 Q You're familiar with the Battle of Berkeley, right?

25 A Yes.

R. Spencer - Direct

1 Q And that took place April 15, 2017, right?

2 A Fair enough. Yeah.

3 Q And a number of white nationalist groups attended that
4 event, right?

5 A Right.

6 Q Including Identity Evropa and your friend Nathan Damigo?

7 A Yes.

8 Q And as we just discussed, that event became referred to as
9 "the Battle of Berkeley," right?

10 A Right.

11 Q And at the Battle of Berkeley, your friend Nathan Damigo
12 punched a 19-year-old woman in the face and knocked her down,
13 right?

14 A Yes. There was a melee in which people were getting
15 attacked and that's how it ended.

16 Q So my question is: Your friend, Nathan Damigo, punched a
17 19-year-old woman in the face and knocked her down, right?

18 A Yes.

19 Q And you're aware that the woman that he punched was
20 referred to by people in the alt-right as "Moldylocks," right?

21 A I remember that.

22 Q And that punch was captured on video, right?

23 A Yes.

24 Q And it became somewhat of an iconic moment in the
25 alt-right, right?

R. Spencer - Direct

1 A Correct.

2 Q Now, you didn't attend that event, right?

3 A No.

4 Q But you did actually watch videos of the violence that
5 occurred on social media at the time, right?

6 A Afterwards, but yes.

7 Q Well, virtually in real time, correct? Same day?

8 A Yes.

9 Q And the day after the violence happened you spoke about it
10 on a video that you posted on alt-right.com, right?

11 A I remember that, yes.

12 Q And the video was called "What Berkeley Means"?

13 A Probably, yes.

14 Q You described on that video what happened at Berkeley was,
15 quote, "a new normal, a world of politicized violence," right?

16 A Yes.

17 Q You said that: "War is politics by other means, but in a
18 way, politics is war by other means. Politics is fundamentally
19 nonconsensual. It is about the use of force," right?

20 A That's true, yes.

21 Q You said that, right?

22 A Yes.

23 Q You said: "We are in a new world of political actors
24 occupying space," right?

25 A Right.

R. Spencer - Direct

1 Q And: "Occupying space means physically, by force,
2 controlling a certain area for a certain period of time,"
3 right?

4 A Yes.

5 Q You agree that what happened at Berkeley was an example of
6 the alt-right occupying space, right?

7 A Yes.

8 Q And you testified previously in this case, in your
9 deposition, that you thought what happened at Berkeley was
10 unfortunate, right?

11 A I'm sorry. Could you repeat that?

12 Q You testified in your deposition that you thought what
13 took place at Berkeley was, in your words, "unfortunate,"
14 right?

15 A If that's what I said, that's what I said.

16 Q Well --

17 A We don't have to do this, Mr. Bloch. Can you just ask --

18 Q I'm asking if that's what you said. If you want me to
19 refresh your recollection, I'm happy to.

20 A If you want to ask me a question, I will articulate
21 myself. But you're almost demanding that I remember the exact
22 wording from a deposition more than a year ago. That's just
23 utterly unfair.

24 Q In your deposition, page 67 --

25 MR. JONES: Has Mr. Spencer been given a copy of the

R. Spencer - Direct

1 deposition?

2 THE WITNESS: No.

3 MR. BLOCH: Would you like a copy of the deposition?

4 THE WITNESS: Sure.

5 Thank you.

6 BY MR. BLOCH:

7 Q Turn to page 67, line 17. Were you asked this question
8 and did you give this answer?

9 Question: "Did you think it was unfortunate that there
10 was violence that broke out at the rally?"

11 Answer: "No doubt."

12 Did you give that testimony?

13 A 67?

14 Are you sure that's page -- I mean, I really don't dispute
15 the sentiment that it was unfortunate. It's just that you seem
16 to want to quote me directly all this time.

17 Q I want to be precise with your words, Mr. Spencer.

18 (Overlapping speakers.)

19 THE COURT: Tell him the page again and read the
20 question and the answer.

21 BY MR. BLOCH:

22 Q Page 67, line 17, correct?

23 A No, I have a different -- oh, this is Matthew Heimbach's
24 deposition. Come on, guys.

25 MS. KAPLAN: Our apologies, Your Honor.

R. Spencer - Direct

1 THE COURT: Mr. Spencer, if the record shows that
2 question was asked and that was your answer --

3 THE WITNESS: I don't -- I could hear myself saying
4 that, yes. That sounds right.

5 THE COURT: All right. Go ahead.

6 BY MR. BLOCH:

7 Q Isn't it true, Mr. Spencer, that the day after the Battle
8 of Berkeley, you thought that the footage of the fights that
9 you saw was, in your words, "quite beautiful"?

10 A Did I say that?

11 Q That's my question.

12 A Can we -- can you instead show me evidence of what I said
13 and I can confirm it? You seem to endlessly be going on this
14 trek where it's: "Did you say that?" I don't remember saying
15 that. And then, "Oh, here it is," while I'm expressing the
16 same sentiment. This is not helping this case. I mean, this
17 seems to be a parlor trick, Mr. Bloch, to be frank.

18 MS. DUNN: Could we introduce and publish to the jury
19 PX-2539 at 5:23 to 5:53?

20 THE CLERK: PX-2539?

21 MR. BLOCH: Correct.

22 (Plaintiffs' Exhibit 2539 marked.)

23 (Plaintiffs' Exhibit 2539 admitted.)

24 BY MR. BLOCH:

25 Q Did you say those words, Mr. Spencer, in April of 2017?

R. Spencer - Direct

1 A I was describing the aesthetics of the social media image.
2 And yes, I said those words.

3 MR. BLOCH: And could we also play from 20:02 to
4 20:07?

5 (Video playing.)

6 BY MR. BLOCH:

7 Q Did you say those words, Mr. Spencer?

8 A That was me. And yes, that is truthful.

9 Q Now, you mentioned war a fair amount in that podcast,
10 right?

11 A Probably.

12 MR. BLOCH: And I'd like to introduce PX-2517, which
13 is Mr. Spencer's words, and publish to the jury.

14 (Plaintiffs' Exhibit 2517 marked.)

15 (Plaintiffs' Exhibit 2517 admitted.)

16 (Video playing.)

17 BY MR. BLOCH:

18 Q Did you say those words we just heard, Mr. Spencer?

19 A Yes.

20 Q That was the question.

21 And you stated that the right reasons to go to war is
22 because you want to dominate somebody, you want to take their
23 territory, you want to take their women. Someone else said:
24 "Or the nihilist desire to kill people." You said: "I agree.
25 That's also justified." You refer to enslaving the Haitian

R. Spencer - Direct

1 population: "That would be a proper war aim."

2 Did you say all those things?

3 A I said all of those things. This is all --

4 Q That's the question, Mr. Spencer. Just whether you said
5 them.

6 A Yes.

7 Q And so one of the things that you talk about in addition
8 to war is dominance, right? Dominating people, right? That's
9 something that you've talked about before?

10 A This is all in the context of a podcast where we went into
11 kind of geopolitical speculation about world history. I'm also
12 evoking a sentiment of every cause is justified by a good war,
13 which comes from Nietzsche's *Zarathustra*.

14 It's a provocative way of saying that world history is not
15 moral. It's fundamentally amoral. It's about -- at the end of
16 the day, world history is about these base desires, animal
17 desires. And you can later rationalize that, but that's what
18 world history is fundamentally about.

19 These sentiments you might find offensive. These
20 sentiments have been expressed by many more people than myself.

21 Q Just to return to the question, did you say those words?

22 A Yes.

23 Q And if I could continue with the theme of dominance --

24 MR. BLOCH: If I could introduce -- sorry, show the
25 witness and mark Exhibit PX-4025 for identification.

R. Spencer - Direct

1 Is that on the screen?

2 (Plaintiffs' Exhibit 4025 marked.)

3 MR. BLOCH: Is that on the screen? And just for the
4 record, I'm also handing copies of this to defense counsel, the
5 next four or five.

6 BY MR. BLOCH:

7 Q Mr. Spencer, looking at what's on the screen as PX-4025,
8 is that a text message between you and Eli Mosley?

9 A Yes.

10 Q And that was sent on June 6, 2017, right?

11 A Apparently, yes.

12 MR. BLOCH: I'd like to move PX-4025 into evidence.

13 MR. JONES: Your Honor, what does this have to do
14 with racially motivated violence and with this case?

15 MR. BLOCH: Judge, I'm happy to move -- there's a
16 series which I just gave Mr. Jones. And presumably he's read
17 them all and sees why it's relevant to racially motivated. But
18 I'm happy to put them all in through Mr. Spencer, and then I
19 think that point will be clear.

20 THE COURT: All right. Go ahead.

21 MR. BLOCH: So could we just show Mr. Spencer
22 PX-4025, 4026, 4028, 4029 -- I'm sorry; that was too fast --
23 PX-4025, 4026, 4028, and 4029?

24 THE WITNESS: Could you put this into context? I
25 mean, what is this about? What is --

R. Spencer - Direct

1 BY MR. BLOCH:

2 Q I'll ask you questions, Mr. Spencer.

3 (Plaintiffs' Exhibit 4026 marked.)

4 (Plaintiffs' Exhibit 4028 marked.)

5 (Plaintiffs' Exhibit 4029 marked.)

6 MR. JONES: Your Honor, I don't know if the Court
7 ruled on my objection, but I think it's cumulative. I don't
8 think it's relevant to the actual issues in this case. I think
9 we need to move on.

10 THE COURT: Well, I don't know what it is, first. I
11 can't read the screen. It's in such small font.

12 MR. BLOCH: Mr. Spalding, could we add PX-4027?

13 (Plaintiffs' Exhibit 4027 marked.)

14 BY MR. BLOCH:

15 Q Mr. Spencer, have you had an opportunity to view the text
16 messages on the screen?

17 A Yes. Now, I don't know who sent which message. I see
18 that I'm in this conversation. That's why I asked for it to
19 just be put into context.

20 Q Do you see at the top of the message it says from Richard
21 Spencer?

22 A Yes.

23 Q And then below that it says --

24 A Okay. I get it now.

25 Q Okay. So did you send or receive each of these text

R. Spencer - Direct

1 messages in June of 2017?

2 A Yes.

3 MR. BLOCH: I would move PX-4025, 4026, 4027, 4028,
4 and 4029 into evidence, Your Honor.

5 MR. JONES: Your Honor, this case doesn't even have
6 anything to do with Arabs, and it's about punching women.

7 THE COURT: Did you respond to the relevance? It's
8 an objection, I think, on relevance.

9 MR. BLOCH: Sure. It's a conversation between
10 Mr. Spencer and Elliot Kline the day after Unite the Right was
11 communicated between Mr. Kline and Mr. Spencer, where they're
12 talking about punching women, they're talking about disparaging
13 comments towards --

14 THE COURT: When was that? August --

15 MR. BLOCH: -- towards racial minorities.

16 THE WITNESS: Your Honor, I not being accused of
17 punching women.

18 THE COURT: Wait. Wait. Excuse me.

19 What date is it?

20 MR. BLOCH: June 6, 2017.

21 THE COURT: That's not after Unite the Right, is it?

22 MR. BLOCH: It's the date after Unite the Right had
23 begun being planned.

24 THE COURT: Okay. Overrule the objection.

25 Go ahead.

R. Spencer - Direct

1 (Plaintiffs' Exhibit 4025 admitted.)

2 (Plaintiffs' Exhibit 4026 admitted.)

3 (Plaintiffs' Exhibit 4027 admitted.)

4 (Plaintiffs' Exhibit 4028 admitted.)

5 (Plaintiffs' Exhibit 4029 admitted.)

6 BY MR. BLOCH:

7 Q Mr. Spencer -- if I could just publish these to the jury,
8 starting with PX-4025.

9 Mr. Mosley texted you on June 6, 2017: "Then punch a
10 woman in the face," right?

11 A Yes.

12 Q And you responded to that text, right?

13 A Show me.

14 Q And if we could go to the next text, you wrote: "Dude,"
15 right?

16 A I -- when you say "dude," it's kind of like, calm down.
17 That's just pretty vulgar and stupid.

18 Q I see. You wanted him to be less vulgar. You were
19 telling him "don't be vulgar like that" by saying "dude"?

20 A I don't know what this conversation is about.

21 Q Okay.

22 A And so I'm just trying to give -- you're publishing just
23 these little snippets of things. I'm positive that if you look
24 through my entire library of text messages you can find me
25 saying stupid, vulgar, nonsensical, gross things.

R. Spencer - Direct

1 Q Well, let's focus on --

2 A What is the conversation? Does it have any substance to
3 do with this case?

4 Q Let's focus on these text messages.

5 A Okay.

6 Q And you wrote, "dude," right?

7 A Right.

8 Q And then if we could show the next text -- I believe we
9 missed --

10 A This is from me?

11 Q The next in sequence is PX-4028. You wrote to Mr. Mosley:
12 "We don't punch women in the face," right?

13 A Right.

14 Q And then if we could go to the next message, you follow
15 that up with: "That's something filthy Arabs would do," right?

16 A Right.

17 Q And then if we could go to the next one, you said to
18 Mr. Kline on June 6, 2017: "We open-hand slap them to
19 demonstrate authority. Otherwise we treat them well"; isn't
20 that right?

21 A I wrote that, yes.

22 Q Now, you have claimed, Mr. Spencer -- going back to the
23 issue of rallies, you have claimed that these rallies are about
24 free speech, right?

25 A Yes.

R. Spencer - Direct

1 Q Isn't it actually true, Mr. Spencer, that, for you, these
2 rallies are really about crushing your enemies?

3 A No. They're about sending a message. If I'm honest, I
4 think I had some egotistical desires to be a star and speak
5 before a crowd and so on. But no, they were about giving
6 speeches. They're not about crushing people.

7 Q Okay. If we could just show the witness PX-2443.
8 Mr. Spencer, is this a tweet that you tweeted on
9 April 29th, 2017?

10 A Yes.

11 MR. BLOCH: I would offer this into evidence, Your
12 Honor.

13 THE COURT: Be admitted.

14 (Plaintiffs' Exhibit 2443 marked.)

15 (Plaintiffs' Exhibit 2443 admitted.)

16 BY MR. BLOCH:

17 Q On April 29th, 2017, which was two weeks after the Battle
18 of Berkeley, you wrote: "1/ The @Oathkeepers are Boomer
19 goobers fighting for the right of 'liberalism' and
20 'neutrality.' 2/ We, on the other hand, don't care about
21 neutrality and liberalism. We want to win. Our message to the
22 #antifa is not 'muh free speech.' Our message is," all caps,
23 "WE WILL CRUSH YOU."

24 Did you tweet that?

25 A Yes. This is tough talk, bold words. This is a kind of

R. Spencer - Direct

1 equivalent of a peacock giving off its display. What I
2 actually believe is something I can talk to you in a sober
3 fashion. But in terms of stuff like that, I'm sure you can
4 find a million tough talk tweets by me, if you would like.

5 I don't see the relevance. Most of that was done
6 publicly. That's a Twitter account. So that kind of screws up
7 your little private/public logic that you were putting forward.
8 But if you must.

9 Q Let's talk more about what you did and said, okay?

10 A Yeah. I'm here to testify about what I believe.

11 Q A couple weeks after the Battle of Berkeley there was
12 another white nationalist event referred to as Charlottesville
13 1.0, right?

14 A Correct.

15 Q And you helped organize Charlottesville 1.0, correct?

16 A Yes, to a fairly limited degree, but I was aware that it
17 was happening and I helped out in organizing it.

18 Q Didn't you refer to yourself as one of the co-organizers?

19 A I might have, yes.

20 Q And you were at a meeting at the Charles Martel Society
21 where the idea for Charlottesville 1.0 was hatched, right?

22 A Correct.

23 Q And Elliot Kline was also at that meeting, right?

24 A Correct.

25 Q Nathan Damigo was at that meeting?

R. Spencer - Direct

1 A I don't quite -- yes. I'll say yes.

2 Q You also communicated with Jason Kessler prior to
3 Charlottesville 1.0, right?

4 A I didn't -- I didn't communicate with Jason Kessler about
5 Charlottesville 1.0, to my recollection, but as I've already
6 stated, we had communicated sporadically since the winter of
7 2016.

8 Q Didn't he email you prior to Charlottesville 1.0 and
9 reference that the rally would likely, quote, cause a stir in
10 the community?

11 A I don't remember that directly, but if you're going to
12 show evidence, then that's the case.

13 Q Well, did you agree with Mr. Kessler that Charlottesville
14 1.0 would cause a stir?

15 A I agree with that sentiment, that it will cause a stir, no
16 doubt.

17 Q And you attended Charlottesville 1.0, right?

18 A Correct.

19 Q And you met with a number of your co-defendants from this
20 case there, right?

21 A Eli Kline, Nathan Damigo, yes.

22 Q Matthew Heimbach?

23 A He was there as well, yes.

24 Q Jason Kessler was there as well?

25 A Jason Kessler was there. I think -- yes.

R. Spencer - Direct

1 Q And there were approximately 200 people that showed up at
2 Charlottesville 1.0, right?

3 A That sounds about right.

4 Q And you were really happy about that, right?

5 A Yes.

6 Q And the reason why you were happy about it is because in
7 your mind the alt-right movement was still continuing to grow,
8 right?

9 A Right.

10 Q And one of the events that occurred at Charlottesville 1.0
11 was a dinner, right?

12 A Yes. Are you referring to the after-party?

13 Q I'm referring to when there was a dinner where a number of
14 people gave speeches.

15 A Yes, I remember that.

16 Q Mr. Kessler gave a speech, right?

17 A I wouldn't call it a speech, but he spoke.

18 Q Mr. Damigo gave a speech, right?

19 A Yes.

20 Q You gave a speech, right?

21 A Correct.

22 Q And there were a couple hundred white nationalists in the
23 audience listening to you, right?

24 A Yes.

25 Q And in your speech at Charlottesville 1.0 you said -- you

R. Spencer - Direct

1 talked about a meme that said, quote, "I was born too late for
2 the Crusades. I was born too early for the conquest of Mars,
3 but I was born at the right time for the race war," right?

4 A I remember -- I remember referring to a meme that I had
5 seen that expressed -- lamented the fact that one was born
6 after the Crusades and before a sci-fi fantasy of the conquest
7 of Mars, yes.

8 Q And what it says, just to be clear, is, "I was born too
9 late for the Crusades, I was born too early for the conquest of
10 Mars, but I was born at the right time for the race war,"
11 right?

12 A That's what it says.

13 Q After you said that, the group of approximately 200 white
14 nationalists you were speaking to exploded into cheers and
15 applause, right?

16 A I bet they had seen that meme too.

17 Q My question was --

18 A Yes.

19 Q And in addition to the speeches -- to the speeches, there
20 was a torch march, right?

21 A Yes.

22 Q And you carried a torch, right?

23 A Correct.

24 Q And if we could show the witness PX-2400.

25 Is that a fair and accurate depiction of you at

R. Spencer - Direct

1 Charlottesville 1.0?

2 A Yes.

3 MR. BLOCH: Your Honor, I would move PX-2400 and
4 publish to the jury.

5 THE COURT: Be admitted.

6 (Plaintiffs' Exhibit 2400 marked.)

7 (Plaintiffs' Exhibit 2400 admitted.)

8 BY MR. BLOCH:

9 Q Prior to Charlottesville 1.0, you were aware that the KKK
10 used torches as a symbol of racial intimidation, right?

11 A Yes.

12 Q And you were aware prior to Charlottesville 1.0 that torch
13 marches were something the Nazi party did in the 1930s, right?

14 A Yes. The idea that torchlight rallies are unique to those
15 two groups is ridiculous, but go on.

16 Q Well, you claim that Charlottesville 1.0 had nothing to do
17 with Nazi symbolism; is that right?

18 A Yes.

19 Q Isn't it true, Mr. Spencer, that the idea for the torch
20 march came from Nathan Damigo, who wanted it to be like a torch
21 march in Germany?

22 A I don't -- that might be correct --

23 MR. KOLENICH: Objection to what Nathan Damigo did or
24 didn't intend.

25 THE WITNESS: I don't remember who came up with the

R. Spencer - Direct

1 idea first exactly. But the general sentiment is that mystery
2 and magic of fire and darkness.

3 BY MR. BLOCH:

4 Q Isn't it true, Mr. Spencer, that in April of 2017
5 Mr. Damigo posted a link to a YouTube video of a torch march in
6 Germany and said, "the group should organize something like
7 this"? Isn't that true?

8 A I don't remember that. You can show that to me.

9 MR. BLOCH: Could we refresh the witness's
10 recollection with PX-3304H.

11 BY MR. BLOCH:

12 Q Directing your attention to the screen, Mr. Spencer, do
13 you see --

14 A Uh-huh.

15 Q -- that post?

16 A That's fair. Germany. I don't know -- I don't remember
17 the exact video of Germans carrying torches, but...

18 Q Does that refresh your recollection that Nathan Damigo
19 sent you a Slack direct message posting a link to a YouTube
20 video of a torch march in Germany and says the group should --

21 MR. KOLENICH: Your Honor, object again to
22 Mr. Spencer being used to say what Mr. Damigo thinks or said.
23 It's hearsay and this is a discovery document provided by
24 Spencer, not Damigo.

25 MR. BLOCH: Your Honor, it was communicated to

R. Spencer - Direct

1 Mr. Spencer. I'm asking about his understanding and awareness.

2 THE COURT: If he acknowledges --

3 MR. BLOCH: It's not offered for the truth --

4 THE COURT: -- he got it from Mr. Damigo, he can say
5 what it said, but not -- the document speaks for itself. He
6 cannot interpret what Mr. Damigo might have meant.

7 MR. BLOCH: I agree, Judge. My question is does this
8 refresh your recollection --

9 THE WITNESS: No. Mr. Bloch, I don't remember that
10 exact Slack message. I understand he could have done that.
11 That seems reasonable. But I'm trying to be as honest and
12 accurate as possible here. I do not remember that.

13 BY MR. BLOCH:

14 Q I appreciate that. So after the torch march, you attended
15 an after-party, right?

16 A Yes.

17 Q And that was at a house rented by Identity Evropa?

18 A Yes.

19 Q Right?

20 A Yes.

21 Q The attendees were white nationalists, right?

22 A Yes.

23 Q Including Mr. Heimbach, Mr. Kline, Mr. Damigo, right?

24 A They were there.

25 Q And that was a private party, right?

R. Spencer - Direct

1 A Yes.

2 Q And I would like to show -- is PX-2541 in evidence?

3 MR. BLOCH: If I could publish PX-2541.

4 THE COURT: Go ahead.

5 (Video playing.)

6 BY MR. BLOCH:

7 Q Mr. Spencer, that's you and other white nationalists
8 performing a call-and-response Sieg Heil Nazi salute at the
9 after-party at Charlottesville 1.0, right?

10 A Yes.

11 Q You didn't have any reason to believe that somebody might
12 be surreptitiously recording that, right?

13 A I should have. No, I had no reason to believe anybody was
14 recording that, no. That was a -- again, this is a subcultural
15 thing of being outlandish and stupid while drinking.

16 Q This was the 7-year-old you again?

17 A I bet I was after, you know -- yeah, that's fair.

18 Q You also -- let's just show the jury PX-0941. Is that in?

19 THE CLERK: This is previously admitted?

20 MR. BLOCH: Yes, sorry.

21 BY MR. BLOCH:

22 Q This is a photograph of you, Matthew Heimbach and Michael
23 Peinovich from the Charlottesville 1.0 after-party, right?

24 A Correct.

25 Q Okay. We can take that down. Thanks.

R. Spencer - Direct

1 Now, about ten days after Charlottesville 1.0, Mr. Kessler
2 reached out to you, right?

3 A Could you refresh my -- I mean --

4 Q Sure. Could we show the witness PX-3096.

5 (Plaintiffs' Exhibit 3096 marked.)

6 THE WITNESS: Okay. So apparently Jason Kessler had
7 called me and I responded with a text message saying, "Can I
8 call you later?"

9 BY MR. BLOCH:

10 Q So does that refresh your recollection that about ten days
11 after Charlottesville 1.0, Mr. Kessler reached out to you?

12 A That sounds about right, yes.

13 Q Okay. And you also received a text from Mr. Kessler on
14 June 5th, 2017, correct?

15 And why don't we just -- let me show you, pull up PX-1451.
16 I'm sorry, 1455. My apologies.

17 (Plaintiffs' Exhibit 1455 marked.)

18 BY MR. BLOCH:

19 Q Mr. Spencer, are these a string of text messages between
20 you and Mr. Kessler?

21 A Yes.

22 MR. BLOCH: I would offer PX-1455 into evidence.

23 THE COURT: Be admitted.

24 (Plaintiffs' Exhibit 1455 admitted.)

25

R. Spencer - Direct

1 BY MR. BLOCH:

2 Q And on June 5th, Mr. Spencer, Mr. Kessler wrote -- let's
3 just be clear for the record, Mr. Kessler's number is the 434
4 number, right?

5 A Yes.

6 Q And he wrote to you, "We're gonna start the promotional
7 material for Charlottesville 2, Unite the Right, Battle of
8 Charlottesville. Is your name going to be one of the
9 headlines?" Right?

10 A Yes.

11 Q And you understood that to be an explicit reference to the
12 violence that had occurred at the Battle of Berkeley, right?

13 A No.

14 Q You asked him for a firm date, right?

15 A Yes.

16 Q You asked him whether Enoch and Damigo would be there,
17 right?

18 A Right.

19 Q And then you said on June 5th, "I'm there," right?

20 A Right.

21 Q You didn't say, "what do you mean, battle?" Right?

22 A It's his title for his event. I don't know what to say.

23 Q You didn't say -- okay. Understood. Withdrawn.

24 He then sent you a text later that day. He said, "We're
25 raising an army my liege. For free speech, but the cracking of

R. Spencer - Direct

1 skulls if it comes to it," right?

2 A Yes.

3 Q And you understood when you received that text in June of
4 2017 that Mr. Kessler was interested in fighting
5 counter-protesters at Unite the Right, correct?

6 A I realized from that text message that he was a massive
7 dork, to be honest.

8 Q So my question --

9 A I'm not sure what's most concerning about that message.
10 The "my liege"? I don't know what to say about that. We're
11 raising an army for free speech to crack skulls. That sounds
12 like tough talk, basically. But again, it's the "my liege"
13 which seemed rather strange.

14 Q So my question, Mr. Spencer, is you understood when you
15 received that text from Mr. Kessler that he was interested in
16 fighting counter-protesters at Unite the Right?

17 A No. I just expressed -- I just answered your question. I
18 didn't respond to that message because it was so odd.

19 Q Going back to your deposition testimony, page 143, line
20 21, right -- were you asked this question and did you give this
21 answer?

22 "Right. My question is really about your understanding of
23 what he said. You understood when you received that text in
24 June of 2017 that Mr. Kessler was interested in some degree in
25 fighting counter-protesters at Unite the Right, correct?"

R. Spencer - Direct

1 Answer: "Correct."

2 Did you give that testimony?

3 A Yes, I did.

4 Q And after receiving that text you collaborated in certain
5 respects with Mr. Kessler regarding planning for Unite the
6 Right, correct?

7 A We're getting into details here. I would collaborate with
8 him in certain respects. It depends on what you mean by
9 "planning," in the sense of I'm asking for a firm date of when
10 I am going to attend this event that I had been invited to. I
11 didn't plan the logistics of the event, but when -- you know,
12 because I was a major figure, the most well-known person in the
13 alt-right, I think people would ask me a question, what do you
14 think about this, etc, and I would give a response. That's how
15 I would describe it in toto.

16 Q Well, we'll talk about what you actually did. Were you
17 asked this question and did you give this answer under oath in
18 this case in your deposition testimony, page 150, line 17: "Do
19 you dispute that you collaborated in certain respects with
20 Mr. Kessler regarding the planning for Unite the Right?"

21 Answer: "I -- yeah, I don't dispute that statement."

22 Did you give that testimony?

23 A Yes. Again, Mr. --

24 Q That's all I was asking you.

25 A We're getting into these splitting of hairs. I'm trying

R. Spencer - Direct

1 to give a fair and accurate response to your questions. And
2 just simply bringing up the fact that I articulated myself
3 differently while expressing the same sentiment is not helpful.

4 Q All right. Well, let's talk about your communications
5 regarding Unite the Right.

6 You stated, Mr. Spencer, that, quote, "Over the course of
7 the year 2017 Mr. Kessler and I shared some 26 instances of
8 direct communication via iMessage. We participated in seven
9 phone calls totaling 27 minutes. I imagine you probably talked
10 more with your car mechanic than Jason and I ever discussed
11 this malign conspiracy."

12 Did you say that?

13 A Yes.

14 Q And I'd like to focus first on your claim that you
15 exchanged 26 text messages with Mr. Kessler.

16 A I didn't say that. That's a misrepresentation. I said
17 27 -- or 26, whatever the number is -- instances. What I was
18 referring to is the actual conversations at a particular amount
19 of time. So I'm not referring to -- I did not refer to all of
20 the text messages. I referred to a conversation.

21 So for instance, if you said, do you want to meet up for a
22 drink? And I said yeah, sure. Okay, let's go to this place.
23 That's three messages. I'm referring to that as an instance of
24 communication. And I think that's actually more accurate than
25 to count every message.

R. Spencer - Direct

1 Q I see. So when you said I shared -- Mr. Kessler and I
2 shared some 26 instances of direct communication --

3 A That's what I was -- yes, as I just explained it, yes.

4 Q I see. You took the text messages that you had with Jason
5 Kessler and you grouped them in some way that you decided was
6 appropriate and told the jury, right?

7 A I used that in the way -- in my interrogatory response, I
8 believe. So that's how I was asked to detail all of my
9 communication -- communications with everyone. And yes, I
10 would group those in a way that made sense.

11 Q To you, right?

12 A Well, that's -- that's -- made sense to me. Of course,
13 I'm the one who's thinking, yes. It's not a nonsensical
14 statement.

15 Q Can we agree, Mr. Spencer, that just between the month of
16 June and October of 2017 alone you exchanged 149 text messages
17 with Mr. Kessler?

18 A I could agree -- I mean, that's your count of the number
19 of messages for two people. 149 total, that sounds reasonable.
20 And that seems -- seems like my grouping of 26 instances of
21 text messages is highly reasonable in that case.

22 Q Okay. So at a minimum you can agree with me that -- can
23 we agree on that you exchanged 149 text messages with --

24 A I'll agree with that, yes.

25 Q You also claimed that over the course of 2017 you had

R. Spencer - Direct

1 seven phone calls with Mr. Kessler, correct?

2 A I claimed that, yes.

3 Q And just so we're clear, did you group -- when you say
4 seven phone calls, was that seven phone calls or did you group
5 a number of phone calls together and call that one phone call?

6 A No. I came up with that number by looking at my AT&T
7 wireless and I did a search of his number. And that's how I
8 came up with that, and then I -- in my AT&T wireless report or
9 bill, it would have the minutes, and I added those together.
10 That's what I did.

11 Q So you looked at your phone records, right?

12 A Correct.

13 Q And the seven phone calls that you claim you had with
14 Mr. Spencer --

15 A Mr. Kessler.

16 Q Sorry, with Mr. Kessler, those were calls that you had in
17 August, right, 2017?

18 A I don't remember exactly. I mean, no. I don't know.
19 Could you show me something as opposed to asking me this so we
20 can stop doing this game.

21 Q Why don't we also look at your phone records?

22 A Okay.

23 Q And I would like to introduce Mr. Spencer's phone records,
24 which I believe are stipulated to. And if we could start
25 with --

R. Spencer - Direct

1 THE CLERK: Is that an exhibit number, Mr. Bloch?

2 MR. BLOCH: I'm sorry. PX-0091.

3 THE COURT: Be admitted.

4 (Plaintiffs' Exhibit 91 marked.)

5 (Plaintiffs' Exhibit 91 admitted.)

6 BY MR. BLOCH:

7 Q Mr. Kessler --

8 A Mr. Spencer.

9 Q I'm sorry, I keep doing that. I'm looking at Kessler.
10 Mr. Spencer, these are your phone records from May of
11 2017, correct?

12 A Correct.

13 Q And your -- this is your phone number? This 571 number is
14 your number?

15 A 571, yes, that was my phone number.

16 Q And 434 is Mr. Kessler's number?

17 A Correct.

18 Q And do you agree with me that this shows six phone calls
19 you had in May of 2017?

20 A Yes.

21 Q Okay. And could we also look at the next set of calls.

22 Is this -- Mr. Spencer, does this depict a phone call you had
23 with Mr. Kessler in July?

24 A Yes.

25 Q And we're now at --

R. Spencer - Direct

1 A 26 seconds, is that what --

2 Q The ET column shows that you spoke for a minute and 13
3 seconds?

4 A Okay. I understand, yeah.

5 Q And that would make seven phone calls, right?

6 A Yes.

7 Q And if we could also show August. And it looks like
8 there's another six phone calls, right? On the 8th -- two on
9 the 8th, two on the 12th and two on the 13th, right?

10 A Yes.

11 Q So can we agree that that's actually 13 phone calls with
12 Mr. Kessler?

13 A That's -- yes, that's how the math works. I might have
14 been referring to -- some of these are 34 seconds. That sounds
15 like a voicemail or something like that. I referred to
16 conversations. But I -- yeah, let's be accurate. That adds
17 up.

18 Q Could we just go back to that for a second just so we can
19 be clear on the times.

20 A So the ET says 8 minutes and 9 seconds, correct?

21 Q Right. So the calls are 8 minutes, 6 minutes, 34 seconds,
22 2 minutes, 2 minutes, and a minute and 44 seconds, right?

23 A Correct.

24 Q And you just highlighted the one that was 34 seconds,
25 right?

R. Spencer - Direct

1 A Well, I was highlighting that in the context of saying
2 that seems like I left a voicemail message or something. A
3 34-second phone call seems very brief.

4 Q Well --

5 MR. BLOCH: We can take that down. Thanks,
6 Mr. Spalding.

7 BY MR. BLOCH:

8 Q So what you said was that you exchanged text messages,
9 right, and you exchanged seven phone calls. And that's all you
10 said, right?

11 A I said -- I said instances of text messages and then I
12 said phone calls.

13 Q Right.

14 A You know, I can -- if you want to correct me, then that's
15 good, because I want to be accurate. I don't think that I was
16 mischaracterizing anything in the sense that that's a fairly
17 brief record of phone calls.

18 Q Well, let's talk about what else there is. So in addition
19 to the texts and the phone calls, there were emails, right?

20 A There were a few emails, yes.

21 Q In addition to the texts and the calls and the emails, you
22 also met with him in person to discuss Unite the Right,
23 correct?

24 A Met with him in person to discuss Unite the Right. I
25 think at the -- I think I might have seen him at the American

R. Spencer - Direct

1 Renaissance Conference very, very briefly, but we never had --
2 I don't remember an in-person meeting to discuss the event.

3 Q So -- well, let's talk about the meeting you had at the
4 American Renaissance Conference. That was in July of 2017,
5 right?

6 A Correct.

7 Q And you're saying that you just, what, happened to see him
8 there briefly; is that what you're saying?

9 A He came up to me and wanted to talk and I kind of blew him
10 off.

11 Q Okay. So why don't we look at the text messages, PX, I
12 believe it's 1455. And could we go to the time period of July
13 2017.

14 MR. BLOCH: I'm looking for around July 28th or so.
15 I'm sorry, can you scroll down, Mr. Spalding. No, other way.
16 Back down. One more up.

17 BY MR. BLOCH:

18 Q So in July 25th, 2017, Mr. Kessler says to you, "First,
19 sounds like we have a lot of organizations scrambling to get
20 speaking slots at the last minute. I guess we're going to have
21 to expand this to a pretty long event to keep everyone happy."

22 You say, "Let's get people who are less interested to soak
23 food, five minutes max." Right?

24 He says, "We'll accommodate as many people as we can, but
25 they'll need to make arrangements to get up front early,"

R. Spencer - Direct

1 correct? Do you see that?

2 A Yeah, I see all this. I don't know what -- soak food?

3 That must be a misspelling. I don't know what that means.

4 Q We can agree you're discussing Unite the Right with

5 Mr. Kessler, correct?

6 A Yes. Yeah.

7 Q You say, at 11 a.m. on that date, "Yes. Are you going to
8 AmRen?"

9 A Yes.

10 Q And that's a reference to the American Renaissance
11 Conference, right?

12 A Yes.

13 Q And Mr. Kessler says yes, right?

14 A Yes.

15 Q And you said, "We can talk there," right?

16 A Yes.

17 Q He said, "Sounds good. Looking forward to it," right?

18 A Right.

19 Q So in addition to the calls and the texts and the emails
20 and the in-person meeting, you also had specifically designated
21 middlemen to speak to Mr. Kessler for you on your behalf,
22 correct?

23 A Yes. I said, "Would you please speak with Greg Conte or
24 Eli Mosley?" It was a way of not talking to him.

25 Q It was a way of actually communicating with him, but

R. Spencer - Direct

1 through other people, right?

2 A No. I was not engaged in all of the organizing. I never
3 did any of the security. People like Greg Conte were really
4 enthusiastic about the security stuff.

5 I just didn't want to talk to Kessler, to be honest,
6 because I -- I don't really like him, to be honest. And all I
7 needed to know about the event was when it is, where I show up.

8 I generally supported, you know, the event, particularly
9 because I was involved in it. But if he wanted to talk about
10 something about security or when I should arrive or something
11 like that, he could do that with Greg Conte or Eli Mosley. I
12 was fine with that.

13 MR. BLOCH: Could we show PX-3101A?

14 (Plaintiffs' Exhibit 3101A marked.)

15 BY MR. BLOCH:

16 Q And, Mr. Spencer, is this a text message between
17 Mr. Kessler and you on July 9th, 2017?

18 A Yes.

19 MR. BLOCH: I'd offer this into evidence.

20 THE COURT: Be admitted.

21 (Plaintiffs' Exhibit 3101A admitted.)

22 THE WITNESS: So this is from Mr. Kessler?

23 BY MR. BLOCH:

24 Q So this is from Mr. Kessler, correct?

25 A Yes.

R. Spencer - Direct

1 Q And what he says to you is, "we should speak on Sunday,
2 later today, about how to prepare for August 12th. Using
3 middle men all the way through isn't going to work. We need to
4 roll up our sleeves," right?

5 A It's quite -- yes. It's quite obvious that I'm blowing
6 him off.

7 Q Well, July 9th is also one of the days that we just saw on
8 your phone records that you actually called him, right?

9 A I don't think -- I think that's accurate, yes.
10 Was that before or after this text?

11 Q Well, we can go back to it, but if we look at --

12 MR. BLOCH: Could we look at PX-3101B, please?

13 (Plaintiffs' Exhibit 3101B marked.)

14 BY MR. BLOCH:

15 Q And you said on July 9th to Mr. Kessler, "hey, why don't
16 you talk to Eli and Greg Ritter about security," right?

17 A Right.

18 Q And then you gave him Greg's phone number?

19 I can show you that text if you don't recall it.

20 A You don't need to show that to me.

21 MR. BLOCH: If we could show PX-3101D.

22 (Plaintiffs' Exhibit 3101D marked.)

23 BY MR. BLOCH:

24 Q Mr. Kessler responds to you on that date, "we've got
25 security on track. I was more interested in talking to you

R. Spencer - Direct

1 about messaging and presentation," right?

2 A Right.

3 Q And again, that's the date that you had a phone call,
4 right?

5 A If you could go back and see if that's before or after, I
6 think that's significant, but it might very well be after. I
7 don't know.

8 Q So the text that we just saw was at 3:14 p.m, right, where
9 he wants to talk to you about messaging and presentation,
10 right?

11 A Right.

12 Q And the phone call that you had with him on that date was
13 at 4:45 p.m., right?

14 A So it was after? What did you just say? Could you repeat
15 that, please?

16 Q The question is: You spoke with Mr. Kessler after those
17 texts, right?

18 A I asked you to repeat those time stamps. I'm sorry.
19 3:14? Okay. And then we spoke for a minute and 13 seconds at
20 4:45.

21 I'm not sure how much messaging you can cover in a minute
22 13 seconds.

23 MR. BLOCH: So could we also show PX-3103?

24 (Plaintiffs' Exhibit 3103 marked.)

25 BY MR. BLOCH:

R. Spencer - Direct

1 Q Is this a text message between you and Mr. Kessler?

2 A Yes.

3 MR. BLOCH: I'd offer this into evidence.

4 (Plaintiffs' Exhibit 3103 admitted.)

5 BY MR. BLOCH:

6 Q And you said to Mr. Kessler on July 23rd, "could you talk
7 to either Eli or Greg Ritter? They make all decisions for me,"
8 right?

9 A Correct.

10 Q So let's talk briefly about who Greg Ritter is.

11 That's the Greg you're referring to in that text, right?

12 A Correct. Yes.

13 Q Greg Ritter had an alias, right?

14 A Well, "Greg Ritter" was the pseudonym.

15 Q I see. His real name was Greg Conte?

16 A Correct.

17 Q And he's also a white nationalist, right?

18 A Correct.

19 Q He worked with you at National Policy Institute, right?

20 A Correct.

21 Q Mr. Conte was your right-hand man with regard to your
22 involvement in Unite the Right, correct?

23 A Correct.

24 Q He was also your bodyguard at Unite the Right?

25 A Yes.

R. Spencer - Direct

1 Q You saw him multiple times a week during the summer of
2 2017, right?

3 A Yes.

4 Q And part of his job was to communicate with other
5 organizers of Unite the Right and report back to you, right?

6 A Yes.

7 Q Mr. Conte communicated with Mr. Kessler on your behalf
8 about Unite the Right, correct?

9 A Yes. I just would delegate security to Mr. Conte, just to
10 be precise.

11 Q And so the question is: Mr. Conte communicated with
12 Mr. Kessler --

13 A Yes.

14 Q -- on your behalf?

15 A Yes. Yes.

16 Q Mr. Conte also communicated with Mr. Kline on a regular
17 basis about Unite the Right, correct?

18 A Correct.

19 Q Now, you stated that you didn't participate whatsoever in
20 the Charlottesville 2.0 server, correct?

21 A Correct.

22 Q But you agree with me that what you didn't say was that
23 Greg Conte, your right-hand man who you communicated with
24 multiple times a week, was on the Charlottesville 2.0 server,
25 right?

R. Spencer - Direct

1 A I don't know if that's correct or not.

2 Q You also had a guy named Jack Pierce who was in charge of
3 your security team, right?

4 A Jack Pierce is a friend of Greg.

5 Q So the question is: A guy named Jack Pierce --

6 A Greg -- Greg is someone that I spent quite a bit of time
7 with. In terms of doing any kind of security or bodyguard
8 activity, that was something I simply left to him. He wanted
9 to do that. But in terms of other people, I mean, the only
10 person that I would really deal with was Greg.

11 Q Well, Jack Pierce goes by "Ajax," right?

12 A I think so, yes.

13 Q He also was part of your security team, right?

14 A Yes.

15 Q And he, too, was on the Charlottesville 2.0 server,
16 correct?

17 A I don't know that.

18 MR. BLOCH: Your Honor, if I could just pause for a
19 moment, I would like to move into evidence, which I understand
20 I did not do, PX-3101B and PX-3101D, which are the text
21 messages that Mr. Spencer previously authenticated.

22 THE COURT: All right. Be admitted.

23 (Plaintiffs' Exhibit 3101B admitted.)

24 (Plaintiffs' Exhibit 3101D admitted.)

25 BY MR. BLOCH:

R. Spencer - Direct

1 Q You have stated, Mr. Spencer, that you had no role
2 whatsoever in logistical planning of the rally or any type of
3 conspiracy, right?

4 A Yes.

5 Q And you agree with me that in your communications with
6 Mr. Kessler, one of the things you did is agreed to help him
7 promote the event, right?

8 A I'm -- yes. I mean, I'm not sure I used those words --
9 perhaps I did. I'll answer yes just because -- let's move on.

10 Q You agreed to allow your name to be on fliers promoting
11 the event, right?

12 A Yes, I did.

13 Q And you knew that having your name on the fliers would
14 make the event more significant, right?

15 A Yes.

16 MR. BLOCH: And if could just show Mr. Spencer
17 PX-2428.

18 BY MR. BLOCH:

19 Q Do you recognize this, Mr. Spencer?

20 A That's a tweet of mine where I'm tweeting out a poster of
21 the event.

22 MR. BLOCH: I'd like to move this into evidence.

23 THE COURT: Be admitted.

24 (Plaintiffs' Exhibit 2428 marked.)

25 (Plaintiffs' Exhibit 2428 admitted.)

R. Spencer - Direct

1 BY MR. BLOCH:

2 Q This is one of the promotional posters of the event,
3 correct?

4 A Correct.

5 Q And it's got the names of a number of speakers and
6 attendees, right?

7 A Right.

8 Q Including yours?

9 A Right.

10 Q And it's also got these eagles on it, right?

11 A Yes.

12 Q Those eagles were also symbols that the Nazis used, right?

13 A The Nazis used eagles, sure.

14 Q And you tweeted out this promotional poster on June 16th,
15 2017 to your 70,000 followers, right?

16 A Yeah, just to be -- I'm not sure I had 70,000 followers at
17 the time, but yes, I tweeted it out to my followers. Probably
18 a little bit less than that, but...

19 Q Maybe in the realm of 40,000 followers?

20 A Somewhere in between there. Let's not get caught up on...

21 Q You also discussed -- we can take it down.

22 You also discussed with Mr. Spencer who else would speak
23 at the event, right?

24 A Again, you're confusing my name with Mr. Kessler. And
25 I'm -- it is getting a little bit offensive.

R. Spencer - Direct

1 Q I'm sorry.

2 A It's okay.

3 Q My apologies. I will work harder on that.

4 Mr. Spencer?

5 A Yes.

6 Q You discussed with Mr. Kessler who else would speak at the
7 event, correct?

8 A Yes.

9 Q You suggested speakers to Mr. Kessler that he should
10 invite, correct?

11 A I did that, yes.

12 Q You also promoted the people who would speak at the event,
13 correct?

14 A Promoted, like sent out a tweet about someone who spoke at
15 the event?

16 Q For example?

17 A That's fair.

18 Q You also helped Mr. Kessler obtain insurance for the event
19 when the insurance company rejected him, right?

20 A I remember him talking to me about the insurance
21 rejection. If you could remind me, did I make a suggestion in
22 that regard?

23 Q Well, my question, Mr. Spencer, is: Did you --

24 A I remember him texting me at one point about losing
25 insurance. And I'm sure I responded in some way, but, you

R. Spencer - Direct

1 know, that's the limit of it.

2 Q In addition to Mr. Kessler, Elliot Kline was also one of
3 the lead organizers of Unite the Right, correct?

4 A Yes.

5 MR. BLOCH: And if I could show the witness PX-3113.

6 (Plaintiffs' Exhibit 3113 marked.)

7 BY MR. BLOCH:

8 Q Is this a text between you and Eli Mosley, also known
9 as -- Elliot Kline, also known as Eli Mosley?

10 A Yes.

11 MR. BLOCH: I'd like to move PX-3113 into evidence.

12 THE COURT: Be admitted.

13 (Plaintiffs' Exhibit 3113 admitted.)

14 BY MR. BLOCH:

15 Q Mr. Mosley said to you on June 5th, 2017, "I'm driving to
16 South Carolina now, 7 hours out. When you get a chance, no
17 rush, let's chat about the Discord so I have some general
18 orders how you want that thing ran. Also feel free to let me
19 know anything you want me working on this week and if O can
20 send me a calendar that would be great. First thing tomorrow
21 morning I'm gonna be getting Charlottesville part two started
22 up as well as looking into the Saturday anti-Sharia stuff."

23 Did he send you that text?

24 A Yes.

25 Q That was on June 5th, right?

R. Spencer - Direct

1 A Yes. I think --

2 Q The question, Mr. Spencer, was: That was on June 5th,
3 right?

4 A Yes.

5 Q And June 5th was the same day Mr. Kessler texted you about
6 cracking skulls, right?

7 A If that's correct, it is, yes.

8 Q And so in addition to your communications with other
9 organizers, you communicated with Mr. Kline regularly
10 throughout the summer of --

11 A I communicated with him regularly --

12 Q If I could just finish the question --

13 A You're misrepresenting something I believe. The Discord
14 server right there was not the UTR Discord server.

15 Q We'll talk about that Discord server, Mr. Spencer. But my
16 question right now is: You communicated with Elliot Kline --

17 A Yes. Of course.

18 Q If you could, just let me finish the question for the
19 record so it's clear to everybody. Okay?

20 A Okay.

21 Q You communicated with Mr. Kline regularly throughout the
22 summer of 2017 about Unite the Right, correct?

23 A Correct.

24 MR. BLOCH: And if we could introduce Mr. -- or we
25 could go back to Mr. Spencer's phone records and show the

R. Spencer - Direct

1 communications with Mr. Kline.

2 BY MR. BLOCH:

3 Q These, Mr. Spencer, were the phone calls you had with
4 Mr. Kline in May, right?

5 A Yes.

6 Q Including calls of 38 minutes, 12 minutes, ten minutes,
7 nine minutes, right?

8 A Yes.

9 Q And if we could go to the next one, these are the calls
10 you had with Mr. Kline in June, right?

11 A Yes.

12 Q Including calls of 28 minutes, 27 minutes, 33 minutes,
13 19 minutes, et cetera, right?

14 A Yes.

15 Q And if we could go on, these are the calls that you had
16 with him in July, right?

17 A Correct.

18 Q And if we could go to August, these were the calls that
19 you had with Mr. Kline in August, correct?

20 A Correct.

21 Q And in addition to the phone calls you had with the lead
22 organizer of Unite the Right, you also texted with him nearly
23 every day, right?

24 A That's accurate.

25 Q And you also met with him in person, right?

R. Spencer - Direct

1 A Yes.

2 Q You actually had regular meetings during the summer of
3 2017 with Mr. Kline and two other people where you discussed
4 Unite the Right, correct?

5 A Who are those two other -- just to refresh my memory, who
6 are the --

7 Q Well, I'm asking you, Mr. Spencer, isn't it true --

8 A We had -- we had regular meetings that -- I think there
9 was a suggestion of creating a kind of activism discussion, so
10 it would have included Unite the Right.

11 Q So just to go back to my question --

12 A Look, could we not? I mean, I'm telling you my
13 recollection right now. If you want me to -- if you want to
14 look at the deposition where I'm saying effectively the same
15 thing, that's fine.

16 Q In your deposition in 2020, were you asked these questions
17 and did you give these answers under oath?

18 Page 125, line 7.

19 Question: "Okay. Fair to say you had a regular meeting
20 during the summer of 2017 about activism with Greg Ritter, Eli
21 Mosley, and Evan McLaren?"

22 Answer: "Yes."

23 A Yes. You --

24 Q Question -- I understand you don't want this next one
25 read, but -- question: "And Charlottesville 2.0 was discussed

R. Spencer - Direct

1 at those meetings, correct?"

2 Answer: "Yes."

3 A I'm glad you read that.

4 Q Mr. --

5 A You just simply need to refresh my memory on something. I
6 agreed -- I said that, yes. And I agree with that, yes.

7 Q The question, Mr. Spencer, which I need to ask for the
8 record, is: Did you give that testimony?

9 A Yes.

10 THE COURT: The answer is still yes. He's said it
11 now. Go ahead.

12 BY MR. BLOCH:

13 Q You also asked Mr. Kline to set up a separate Discord
14 server specifically for alt-right leaders in May of 2017,
15 correct?

16 A Yes.

17 Q And isn't it true that that separate Discord server was
18 intended in part to also be about Unite the Right?

19 A Unite the Right would no doubt have been a subject on that
20 Discord server.

21 Q You consulted with Mr. Kline as to who should be invited
22 to Unite the Right, correct?

23 A Correct.

24 Q You, for example, consulted with Mr. Kline about whether
25 David Duke should be invited, right?

R. Spencer - Direct

1 A Are you talking about the UTR rally or the Discord server?

2 Q The UTR rally.

3 A Yeah, okay. Well, see, you've jumped between two things
4 there.

5 Q Let me be clear --

6 A Okay.

7 Q -- just so there's no confusion.

8 Isn't it true, Mr. Spencer, you spoke -- you communicated
9 with Mr. Kline about whether or not David Duke should be
10 invited to Unite the Right?

11 A Yes, I remember that.

12 Q And you thought he should be, right?

13 A I -- I think I did say yes.

14 Q You consulted with Mr. Kline on certain strategic issues
15 regarding Unite the Right, correct?

16 A Yes.

17 Q And would it be fair to say, Mr. Spencer, that during
18 those communications you developed a clear understanding of
19 what Mr. Kline's objectives were for Unite the Right?

20 A Yes. I -- your question is --

21 Q You've answered the question.

22 A Your question was, I had a clear understanding of Eli's
23 objectives, as I understood them? Yes.

24 Q Now, Mr. Heimbach testified yesterday, right?

25 A Correct.

R. Spencer - Direct

1 Q And you asked Mr. Heimbach questions, right?

2 A Right.

3 Q You asked -- well, you had a phone call with Mr. Heimbach
4 in May of 2017, right?

5 A I remember around that time, yes.

6 Q Right. And that was about -- that was shortly after
7 Charlottesville 1.0, right?

8 A Right.

9 Q And in your questioning of Mr. Heimbach you asked him in
10 court yesterday what you guys talked about, right?

11 A Yes.

12 Q Now, you knew the answer to that, right? You were on that
13 call, right?

14 A Well, I didn't know his answer.

15 THE COURT: Well --

16 THE WITNESS: In the sense of -- I mean, I can
17 vaguely remember having that conversation, but I didn't know
18 exactly how he remembered it.

19 BY MR. BLOCH:

20 Q Okay. Well, what he said was, "I think we mostly talked
21 about our families," right? Isn't that what he said?

22 A I remember that.

23 Q And isn't it true you also talked about white nationalism?

24 A I -- that topic is so broad, but, I mean, I imagine that
25 came up, yes.

R. Spencer - Direct

1 Q When you say the topic is broad, it doesn't include
2 talking about your families, right? We can agree those are two
3 separate topics?

4 A This is very pedantic, but yes.

5 Q Isn't it true that on that call you also talked about
6 issues relating to white nationalism? Right?

7 A That topic is so broad that it can include most -- I
8 mean -- yes. I mean, probably. I don't remember exactly.
9 You're asking the topic of white nationalism. That's so vague.

10 Q Did you give -- were you asked this question and did you
11 give this answer under oath in this case in July of 2020?

12 Page 168, line 23.

13 "Okay, just to break that down a little bit, when you say
14 the conversation with Mr. Heimbach included big-picture stuff,
15 you mean you discussed issues relating to white nationalist and
16 white advocate generally; is that fair to say?"

17 Answer: "Yes, that's fair to say."

18 Did you give that testimony?

19 A Yes. Again, it is synonymous with what I've just told you
20 in court. I don't know why you keep bringing me back to this.

21 Q Well --

22 A I mean, I just said yes. That's a vague question. What
23 are you trying to prove?

24 THE COURT: What is the point of what you're doing
25 when you go through this? Are you testing his memory, trying

R. Spencer - Direct

1 to impeach him, or are you trying to get new evidence into the
2 case? I would like to know. I really would.

3 MR. BLOCH: I think it's important, Judge, that the
4 jury understand that Mr. Heimbach and Mr. Spencer discussed
5 issues relating to white nationalism --

6 THE COURT: All right. But yesterday --

7 MR. BLOCH: -- and possibly Unite the Right, in May.

8 THE COURT: He's acting as his own attorney. He
9 cross-examined the witness. I mean, I would think you would
10 agree that any lawyer worth his salt would know the answer to
11 the question before he presented it to the jury. There is
12 nothing that I think is relevant about that type of discussion.

13 MR. BLOCH: Understood, Judge.

14 THE COURT: I'm going to ask you to ask him -- don't
15 go through this thing where we take so much time, two or three
16 series of questions back and forth.

17 Read him what it is exactly as it is. Ask him if the
18 question was asked and if the answer was given. Because you
19 start -- you phrase it one way and then we go and quibble over
20 what -- these terms. It's just taking too much time.

21 MR. BLOCH: Understood, Your Honor.

22 THE COURT: All right. We'll recess now for lunch
23 until 1:30.

24 **(Jury out, 12:31 p.m.)**

25 (Recess.)

R. Spencer - Direct

1 THE COURT: Call the jury back.

2 MR. BLOCH: Judge, could I put one thing on the
3 record just while we're waiting for the jury?

4 THE COURT: Go ahead.

5 MR. BLOCH: So I apparently labeled an Exhibit 2541
6 and I should have said 2514.

7 THE COURT: All right.

8 **(Jury in, 1:34 p.m.)**

9 THE COURT: You may be seated. You may resume.

10 MR. BLOCH: Thank you, Judge.

11 BY MR. BLOCH:

12 Q Mr. Spencer, I'd like to return to the topic of your
13 communications with some of your co-defendants.

14 You also communicated with Nathan Damigo regularly in the
15 summer of 2017, correct?

16 A Yes.

17 Q And you spoke with Mr. Damigo about Unite the Right,
18 correct?

19 A I'm sure we did, yes.

20 Q You had a weekly call with Damigo, Kline, and Mr. Conte in
21 the summer of 2017, correct?

22 A To be accurate, I think we wanted to do that. Whether
23 there was an actual weekly call remains -- I think that we
24 probably didn't actually have a weekly call, but it's certainly
25 true that we were in communication, Nathan Damigo, Greg Conte,

R. Spencer - Direct

1 and myself. That is accurate.

2 Q You had, fair to say, regular calls?

3 A Yes, as I said.

4 Q And you discussed Unite the Right on those calls, right?

5 A Correct.

6 Q Fair to say that you and Mr. Damigo also shared the same
7 objectives for Unite the Right, correct?

8 A I --

9 MR. KOLENICH: Objection as to what Mr. Damigo
10 thought or what his objectives were.

11 MR. BLOCH: I'll withdraw it. Judge, I'll rephrase.

12 BY MR. BLOCH:

13 Q Fair to say that, as you understood Mr. Damigo's
14 objectives for Unite the Right, you shared those objectives?

15 A As I understood them, yes.

16 Q And part of Mr. Damigo's role was to encourage people
17 outside of Charlottesville to attend; isn't that right?

18 A IE members, yes.

19 Q Let's talk about Mr. Cantwell. You stated that
20 Mr. Cantwell -- withdrawn.

21 You stated, quote, "Mr. Cantwell was an acquaintance, not
22 a friend. We shared a few text messages, seven in total, one
23 phone call. We ate lunch one time."

24 That's what you told this jury, right?

25 A Yes.

R. Spencer - Direct

1 Q And isn't it true, Mr. Spencer, just focusing on the
2 period between July 8th and August 16th, the reality is that in
3 just that period alone you exchanged 88 text messages?

4 A 88 text messages with Mr. Cantwell?

5 Q Correct. Isn't that true?

6 A You can show me those.

7 Q Okay.

8 MR. BLOCH: Could we show Mr. Spencer Plaintiffs'
9 3317.

10 (Plaintiffs' Exhibit 3317 marked.)

11 BY MR. BLOCH:

12 Q Are these text messages, Mr. Spencer, between you and
13 Mr. Cantwell?

14 A Yes. I think I might have been saying that -- using that
15 instances where I was saying that we would have an exchange and
16 I would count that as an instance.

17 Q I see. So when you said that --

18 A This is like "definitely," "thanks for coming," "my
19 pleasure." I just included that as a kind of instance, as just
20 a conversation.

21 Q Okay. But we can agree you didn't say "instance," right?
22 What you said is "we shared a few text messages, seven in
23 total"; isn't that what you said to this jury?

24 A Yes.

25 Q And in fact, the reality is you exchanged 88 text messages

R. Spencer - Direct

1 with Mr. Cantwell just in that six-week period alone, right?

2 A Just in that six-week period?

3 Q Why don't we --

4 MR. BLOCH: Why don't I offer PX-3317 into evidence
5 so the jury can see.

6 THE COURT: It will be admitted.

7 MR. BLOCH: And if I could publish it.

8 THE COURT: You may.

9 (Plaintiffs' Exhibit 3317 admitted.)

10 BY MR. BLOCH:

11 Q Fair to say, Mr. Spencer --

12 A Yes, I think you're fairly representing the text exchanges
13 between Mr. Cantwell and myself.

14 Q And you also told this jury that you had one phone call
15 with your acquaintance, Mr. Cantwell, right?

16 A That's what I calculated when I did my work on this, which
17 was months ago. I looked through my phone records. That's
18 what I calculated. If you have more accurate information, then
19 that's good. I'll accept more accurate information.

20 Q Well, I have the same phone records that you have, right?

21 THE COURT: Let's -- I think whatever you're trying
22 to accomplish by going through this exercise, it's now
23 becoming duplicative of other things. You've made your point.
24 It's just being time-consuming. You don't have to ask him
25 anything to put something in the record that he has said or

R. Spencer - Direct

1 done. He's a party to the case. He doesn't have to admit or
2 deny. I mean, like I said, we've gone through the exercise I
3 think enough to establish whatever other objective you have
4 other than trying to get the information before the jury.

5 MR. BLOCH: Understood, Judge. My only objective is
6 to the extent there's been a misimpression left with the jury,
7 I'd like to correct it.

8 THE COURT: Well, go ahead.

9 MR. BLOCH: Could we show Mr. Spencer's phone
10 records.

11 BY MR. BLOCH:

12 Q Mr. Spencer, this was a phone call that you had in July
13 with Mr. Cantwell, right?

14 A Yes.

15 Q And if we could show August. You also had two phone calls
16 with Mr. Cantwell in August, right?

17 A Yes. Again, a five-second phone call, I probably didn't
18 count that. A minute and 28, I don't...

19 Q The second phone call that you're talking about was on
20 August 12th, right?

21 A Yes. A minute and -- yes. Yes.

22 Q We can take that down. And in addition to texts and phone
23 calls, you also attended a number of white nationalist events
24 with your co-defendants?

25 A I'm actually remembering something. When I looked at the

R. Spencer - Direct

1 phone records, there was a distinction in my phone records
2 about whether the call was actually received; that is,
3 answered. And I think I very well might not have counted calls
4 that were not answered. So a four-second phone call, that
5 sounds like either a voicemail at most or a hangup. So I'm not
6 trying to -- like, you can certainly fairly criticize anything
7 that I say. But I'm certainly not trying to lie to anyone
8 here. And if you show me different information, then I'll take
9 that. And that's good because it's about getting at the truth
10 of the matter.

11 Q It is. And we can go through the phone records again.

12 A All three of them? Yes, sure.

13 Q We, too, only showed phone calls that were connected. But
14 let's talk about white nationalist events that you attended in
15 the summer of --

16 A I'm not sure I would count a four-second phone call. I
17 don't know what --

18 Q Understood, Mr. --

19 A -- you could possibly say in four seconds.

20 Q Okay. In addition to texts and phone calls, you also
21 attended events, white nationalist events with some of your
22 co-defendants, right?

23 A Yes.

24 Q Prior to Unite the Right?

25 A Yes.

R. Spencer - Direct

1 Q And one of the events you attended was a rally in
2 Washington DC in June of 2017?

3 A Yes. I remember that. Yes.

4 Q And you gave a speech at the rally?

5 A Yes.

6 Q Mr. Kessler spoke, right?

7 A I don't quite remember him, but I think you're being
8 accurate. So yes.

9 Q And Mr. Damigo and Mr. Cantwell?

10 A I remember both of them speaking, yes.

11 Q And if we could show PX-2408 to Mr. Spencer.

12 (Plaintiffs' Exhibit 2408 marked.)

13 BY MR. BLOCH:

14 Q Is that a fair and accurate depiction of you at that event
15 in June 2017?

16 A Yes.

17 MR. BLOCH: And if I could move that into evidence
18 and publish it to the jury?

19 THE COURT: Be admitted.

20 (Plaintiffs' Exhibit 2408 admitted.)

21 BY MR. BLOCH:

22 Q And to be clear, Mr. Spencer, this is a photograph taken
23 on June 25th, 2017 with your acquaintance, Mr. Cantwell, right?

24 A Correct.

25 Q And you tweeted that, that same day?

R. Spencer - Direct

1 A Yes.

2 Q And if we could show Mr. Spencer PX-2562.

3 (Plaintiffs' Exhibit 2562 marked.)

4 MR. BLOCH: And I'm just focused on time stamp 10:27
5 to the end of the video.

6 (Video playing.)

7 THE WITNESS: Okay.

8 BY MR. BLOCH:

9 Q Is that you at that event?

10 A Yes.

11 MR. BLOCH: And I would offer PX-2562 into evidence
12 and show to it the jury.

13 THE COURT: Be admitted.

14 (Plaintiffs' Exhibit 2562 admitted.)

15 (Video playing.)

16 BY MR. BLOCH:

17 Q Mr. Spencer, that was a clip of Nathan Damigo speaking at
18 that event in June of 2017, correct?

19 A Right.

20 Q And at the end of his speech, as we just saw, he leads the
21 crowd in a chant of "Moldylocks," right?

22 A Yes.

23 Q And that reference is a specific reference to the violence
24 that Mr. Damigo committed at the Battle of Berkeley, correct?

25 A That's a reference to, yes, that violence at Berkeley,

R. Spencer - Direct

1 yes.

2 Q And on that video we see you pumping your fist along with
3 that chant, right?

4 A Right.

5 Q Also joining in that chant is Jason Kessler, right?

6 A Right.

7 Q Christopher Cantwell, right?

8 A Right.

9 Q And there are a number of flags in the background,
10 correct?

11 A Correct.

12 Q There's the Identity Evropa flag on the left?

13 A Correct.

14 Q There is the Traditionalist Worker Party next to the
15 Identity Evropa flag, right?

16 A Could you -- I mean, I can't recognize --

17 Q Is there a clearer?

18 A I mean, I see Identity Evropa certainly, but I can't
19 simply represent that flag when it's --

20 Q Is there any way to back it up, Matt, to where the flag
21 is...

22 A It's a pitchfork flag. As I understand it, that's the
23 Trad Worker, yes.

24 Q And there's also a Vanguard America flag, right? To the
25 right?

R. Spencer - Direct

1 A I -- I don't know Vanguard America fairly well. What does
2 that flag look like? Or I guess I should say -- if you could
3 back it up I could see what it was.

4 It's an eagle.

5 Q Do you see that flag?

6 A Yes, I do.

7 Q Okay. Would it be fair to say, Mr. Spencer, that you,
8 Nathan Damigo, Christopher Cantwell, Jason Kessler were united
9 leading a chant celebrating the violence that occurred at
10 Berkeley about six weeks before Unite the Right; would that be
11 fair to say?

12 A We're celebrating the Moldylocks -- yes.

13 Q And then after that event, you had a party at your place
14 in Alexandria, right?

15 A Correct.

16 Q And your apartment was referred to as "the fash loft,"
17 right?

18 A I'm sure people called it that, sure.

19 Q You knew that, right?

20 A I've heard that before, yes.

21 Q "Fash" is short for "fascist," right?

22 A Yes.

23 Q And a number of your co-defendants attended that party,
24 right?

25 A Yes.

R. Spencer - Direct

1 Q Mr. Cantwell, right?

2 A I don't remember exactly, to be honest.

3 Q Would looking at your deposition testimony refresh your
4 recollection?

5 A Well, it would be surprising if he weren't there. So yes.

6 Q We can agree he was there?

7 A We can agree, yes.

8 Q And Mr. Kline was there, right?

9 A Yes.

10 Q Mr. Damigo was there?

11 A Yes.

12 Q There were other members of the alt-right there?

13 A Yes.

14 Q And one of the things that you discussed at that party was
15 Unite the Right, correct?

16 A I'm sure we discussed that at the party, yes.

17 Q In fact, you had three to five parties in the summer of
18 2017 where Unite the Right was discussed, right?

19 A There is no doubt that at a party we would discuss Unite
20 the Right, yes.

21 Q So my question is: You had three to five --

22 A I just answered yes, Mr. Bloch.

23 Q And those parties were private, right?

24 A Yes.

25 Q Nobody recorded those parties, right?

R. Spencer - Direct

1 A Well, I don't know, but I hope not.

2 Q Mr. Kline was present for most if not all of them, right?

3 A Yes.

4 Q Mr. Damigo was there for one or two of them, right?

5 A Yes.

6 Q And somebody named Samantha Froelich was also there for
7 those parties, right?

8 A Yes.

9 Q And Samantha Froelich was a member of Identity Evropa at
10 the time?

11 A Yes.

12 Q She was dating Elliot Kline at the time, right?

13 A Yes.

14 Q And you, in fact, met her at the Charlottesville 1.0
15 rally?

16 A That was the first time I met her, yes.

17 Q Now, you also told this jury that you had attended events
18 other than Charlottesville and, quote, "it was remarkable to
19 the degree to which those events were, in fact, safe," right?

20 A Yes.

21 Q And the other events that you attended were events where
22 you gave speeches on college campuses, right?

23 A Yes. I was referring to the Auburn event and that free
24 speech event, which was just shown, and Charlottesville 1, and
25 even I guess Texas A&M, which occurred in I believe November of

R. Spencer - Direct

1 2016.

2 Q You mentioned Auburn, so let's talk about Auburn. A
3 number of your co-defendants were there, right? Mr. Cantwell
4 and Mr. Heimbach?

5 A Yes.

6 Q And isn't it, in fact, true, that there were fights with
7 counter-protesters at Auburn?

8 A There's no doubt that there were fights with
9 counter-protesters, yes.

10 Q And some counter-protesters were actually beaten pretty
11 badly, right?

12 A You know, whenever there's a controversial event, there
13 was -- you could expect some kind of pushing, shoving,
14 fisticuffs. That occurred all the time. It occurs all the
15 time now. "Beaten pretty badly" seems to suggest that it was a
16 one-sided thing. It's a highly controversial event and people
17 get quite emotional.

18 Q You also attended an event in April 2017 in Washington DC,
19 right?

20 A Could you remind -- oh, the April event, that was the
21 protest against the Trump Syria strike?

22 Q Correct.

23 A Yes, I attended that, yes.

24 Q And Mr. Kline was with you for that event, right?

25 A Yes.

R. Spencer - Direct

1 Q And he actually worked security for you, right?

2 A Yes.

3 Q And at that event there was a counter-protester who tossed
4 some glitter on you, right?

5 A Yes.

6 Q And in response to the glitter being tossed on you, isn't
7 it true that Mr. Kline chased after the person and clotheslined
8 him?

9 A I need to say something about that. And I think there
10 probably is a video of that event that you might be showing,
11 but I would say this. Tossing glitter on someone almost
12 suggests it was like a party, like, you know, happy new year.
13 What he did was a glitter bomb. That is, he ran up to me and
14 threw glitter on my face. That, thankfully, was glitter. It
15 could have been acid. It could have been scalding hot water.
16 The attempt to do that is to intimidate and frighten me. That
17 is Antifa. They are not wishing me happy new year with a
18 glitter bomb, to put it mildly. So yes, something like that
19 was very concerning.

20 Q So an event that's supposedly terrifying is not something
21 you would refer to as no big deal, is it?

22 A Well, you always have to put these things into context. I
23 am not advocating for free school lunches, where you can go out
24 onto the streets and say, let's have more lunch for kids, and
25 no one disagrees with you. We are advocating for some of the

R. Spencer - Direct

1 most controversial things in the modern political sphere. At
2 that point in April we were actually attacking Trump for
3 sending a missile strike against Syria.

4 And beyond that, there's the whole context of the
5 alt-right and everything that was going on. So in that
6 context, those events were relatively successful in the sense
7 that we were able to speak our message. We were able to give a
8 speech or express ourselves.

9 Now, you can't expect any alt-right event to not involve
10 Antifa counter-protesting on some level. Whenever we would do
11 any kind of demonstration, Antifa would be there. So what is
12 remarkable is that we were able to get a message across,
13 despite the fact there were people who were willing to use
14 violence against us.

15 So I would count that as a, relatively speaking, a
16 success, and ultimately safe in the sense that tempers and
17 emotions are so hot that it's a good thing that we actually
18 were able to express ourselves.

19 Q So I don't think you ever answered my question that in
20 response to the glitter being tossed on you, isn't it true that
21 Mr. Kline --

22 THE COURT: Don't say -- he disagreed with you on
23 your characterization of "toss." So I don't want to hear him
24 have to explain again why he doesn't agree with that.

25 MR. BLOCH: Judge, I don't either. Understood. I

R. Spencer - Direct

1 don't believe he answered my question.

2 (Overlapping speakers.)

3 BY MR. BLOCH:

4 Q Mr. Spencer, in response, did Mr. Kline chase after that
5 person and clothesline him?

6 A Yes.

7 Q And Mr. Kline later bragged that he gave that person 12
8 stitches, right?

9 A I learned of that at this trial, but yes.

10 Q And you actually spoke about that incident on your
11 podcast, right?

12 A I might very well have.

13 Q So why don't we show PX-2565 from 15 minutes to 15:22.

14 (Plaintiffs' Exhibit 2565 marked.)

15 (Video playing.)

16 THE WITNESS: That is me.

17 MR. BLOCH: And I would offer that PX-2565 into
18 evidence and show the jury, please.

19 (Plaintiffs' Exhibit 2565 admitted.)

20 (Video playing.)

21 BY MR. BLOCH:

22 Q That's what you played on your podcast, right?

23 A To be perfectly accurate, that's a YouTube video. If we
24 call it a podcast, that's fine.

25 Q Apologies. You played that on your YouTube video?

R. Spencer - Direct

1 A Correct.

2 MR. BLOCH: Could we actually, Mr. Spalding, play
3 that another eight seconds or so just to see what Mr. Spencer
4 thought about the glitter bomb incident.

5 It would start at 15:22 is where you ended it.

6 (Video playing.)

7 BY MR. BLOCH:

8 Q Did you say that?

9 A Yes.

10 Q Glitter, who cares, right?

11 A Well, I was basically shrugging off what was ultimately
12 not an ultimately violent assault. I certainly didn't report
13 that to the police or anything. I was shrugging it off. I
14 don't care, to be honest.

15 Q You claimed the only thing different about Unite the Right
16 from those prior events was the policing strategy, right?

17 A Yes.

18 MR. BLOCH: If we could just show PX-3152.

19 BY MR. BLOCH:

20 Q Is this a text you recognize, Mr. Spencer, from Greg Conte
21 to you on July 23rd, 2017?

22 A Yes.

23 MR. BLOCH: I would offer PX-3152 into evidence,
24 Judge.

25 THE COURT: Be admitted.

R. Spencer - Direct

1 (Plaintiffs' Exhibit 3152 marked.)

2 (Plaintiffs' Exhibit 3152 admitted.)

3 BY MR. BLOCH:

4 Q This is a text message from Greg Conte, who is your
5 right-hand man, right?

6 A Yes.

7 Q And he said to you, quote, "Aw, this is gay, looks like
8 there's about a 60-day wait time to get a concealed carry
9 permit approved, so I guess I'll miss out on any firefights at
10 Charlottesville." And then he does a frowny face emoji, right?

11 A I don't want to dispute the emoji. I don't know what --
12 it's a frowny face, almost like a tongue sticking out. Yeah,
13 what he's saying -- I don't know what he thinks, but I think he
14 was considering doing a concealed carry permit, he couldn't get
15 one, so he is not going to carry a weapon to Charlottesville.
16 And then he says, "so I guess I'll miss out on any firefights."
17 That sounds pretty humorous to me.

18 Q That was three weeks before Unite the Right, correct?

19 A Yes.

20 Q Now let's move to two weeks before Unite the Right. On
21 July 28th -- we talked about this a little bit -- you went to a
22 conference in Tennessee for the American Renaissance, right?

23 A I remember that, yes.

24 Q That's sometimes referred to as AmRen?

25 A Yes.

R. Spencer - Direct

1 Q And that's a group founded by Jared Taylor, right?

2 A Correct.

3 Q Jared Taylor is someone who advocates for ethnic
4 cleansing, right?

5 A No.

6 Q You agree with me the audience at AmRen is white
7 nationalists, generally speaking?

8 A Generally speaking, yes.

9 Q And Mr. Kessler was there, as we discussed, right?

10 A Yes. Yes, he was there. I said yes.

11 Q And you spoke to him there about Unite the Right, correct?

12 A Extremely briefly, but yes.

13 Q And you also gave a talk at the AmRen conference, right?

14 A At that AmRen conference?

15 Q Yes.

16 A Yeah, I think I spoke at the end very briefly, yes.

17 Q Okay. So let me just show you PX-2570 at 1:09:51.

18 (Video playing.)

19 Q Is that you, Mr. Spencer, giving that speech?

20 A That is me.

21 Q I would offer 2570 into evidence and publish to the jury.

22 THE COURT: Be admitted.

23 MR. BLOCH: Thank you, Judge.

24 (Plaintiffs' Exhibit 2570 marked.)

25 (Plaintiffs' Exhibit 2570 admitted.)

R. Spencer - Direct

1 (Video playing.)

2 BY MR. BLOCH:

3 Q Did you say that, Mr. Spencer?

4 A Yes, I did say that.

5 Q Two weeks before Unite the Right?

6 A Yes.

7 Q And after -- after you said it would be hugely
8 traumatic -- hugely dramatic, probably hugely traumatic for the
9 liberal people of Charlottesville, you concluded the speech
10 with, "it's going to be fun, they will never forget it," right?

11 A I trust you. You're right. Yes. When I say hugely
12 traumatic for the liberals of Charlottesville, that's what I
13 said, it's kind of an "owning the libs" type thing. They're
14 going to be up in arms, shrieking about, you know, Richard
15 Spencer, something like that. That is what I meant.

16 Q Okay. Well, on August 6th, a week after that, you had
17 lunch with Christopher Cantwell in Virginia, right?

18 A Yes.

19 Q And at that lunch you discussed Unite the Right with him,
20 right?

21 A I'm sure the topic came up, yes.

22 Q And Mr. Cantwell texted you the next day, correct?

23 A Well, I mean, I don't remember that exactly, but if you
24 show me.

25 Q Let me show you.

R. Spencer - Direct

1 A Okay.

2 Q If we could show the text messages that have been
3 previously admitted.

4 So if I could focus your attention on cell number 476.
5 These are text messages that you exchanged with Mr. Cantwell,
6 right?

7 A Yes.

8 Q And where it says "2" in the G column, that's from
9 Mr. Cantwell, right? That's a text sent by Mr. Cantwell?

10 A I'll take your word for it.

11 Q And Mr. Cantwell says on August 7th, 2017, "You got time
12 for a phone call in a little while? I want to talk to you
13 about this permit issue."

14 And you say, "Could you talk with someone else and have
15 them relay the info to me?"

16 And he says, "I was interested in exchanging ideas with
17 you on the subject, but whatever. I'll just deal with
18 Kessler."

19 You say, "Do you know a lawyer in Virginia?"

20 He says, "Can't say I do. My concern is Kessler wants to
21 do it there regardless and I want to have his back, but I can't
22 risk my carry permit."

23 And you say, "We must proceed as planned," right?

24 Did I get that right so far?

25 A So --

R. Spencer - Direct

1 Q The question is just whether I read that correctly?

2 A You read that correctly. So 2 is Mr. Cantwell?

3 Q Correct.

4 A Right? And then 1 is myself. Okay. Thank you.

5 Q And then Mr. Cantwell says to you, "Sounds like the plan
6 just went up in smoke. How far do we want to deviate seems to
7 be the question, and I agree that it must be minimal."

8 We can agree that you guys are talking about Unite the
9 Right, correct?

10 A Yes. More specifically, I think we're talking about --
11 this is when the permit was in jeopardy. And so we're talking
12 about that.

13 Q Okay. And Mr. Cantwell says to you, "I'm willing to risk
14 a lot for our cause, including violence and incarceration.
15 Many in my audience would follow me there too, but I want to
16 coordinate and make sure it's worth it to our cause."

17 And you say, "It's worth it, at least for me," correct?

18 A Yes. I think the reference to --

19 Q Mr. Spencer?

20 A Well, no, I will talk. That's when the permit was in
21 question. So it was a matter of even if there's not a permit,
22 you know, are you going to go there anyway and speak your mind.
23 So yeah.

24 Q Now, one of the things that you discussed with Mr. Kessler
25 in the lead-up to Unite the Right was someone named Wes

R. Spencer - Direct

1 Bellamy, right?

2 A Yes. To be accurate, I believe he talked about Wes
3 Bellamy in 2016 when I first spoke with him. I'm not sure we
4 discussed him in the lead-up to the Unite the Right. Maybe,
5 though. I don't know.

6 Q Would seeing your --

7 A Sure. Can you just show me what you want to talk about
8 first and then I can confirm it, as opposed to doing this
9 parlor trick?

10 Q Well, Mr. Spencer, I'm asking you about your
11 recollection --

12 A I don't remember --

13 Q And if you testify inconsistently with how you've
14 testified under oath previously, I'm going to remind you of
15 that fact. Is that okay?

16 A Yeah. What you are trying to do is ask me something
17 exceedingly specific, and I am honestly answering the question.
18 And then you say, oh, wait a minute, I've got this; let me pull
19 a card out of my sleeve. It's just absurd at some level. If
20 you just ask me a direct question, I will answer it as honestly
21 as I can. If you want to show me any kind of message, I will
22 address that. But just playing this trick over and over again
23 is not helpful to this process.

24 MR. BLOCH: Your Honor, I'm going to move to strike
25 and ask that the witness be instructed that when he testifies

R. Spencer - Direct

1 inconsistently with how he's testified under oath it is my job
2 and obligation to read him his deposition testimony.

3 THE COURT: Well, why don't you -- if you do that,
4 then he has to, you know, comply with it and answer. But in
5 the interest of time, may I suggest that you -- if you have
6 information you want to put before the jury about what he said,
7 that you read -- you read it into -- the exact text to him and
8 have him admit or deny and save the preliminaries?

9 MR. BLOCH: Understood, Judge.

10 BY MR. BLOCH:

11 Q Would it be fair to say, Mr. Spencer, that you had
12 decidedly negative views towards Wes Bellamy in the lead-up to
13 Unite the Right?

14 A That's fair.

15 Q And would it be fair to say that part of the reason you
16 hated Wes Bellamy was because he was black?

17 A I don't quite think that's fair, actually.

18 Q Is it your testimony that racial animus had nothing to do
19 with your hatred of Wes Bellamy?

20 A I didn't say "hatred." You're again putting words into my
21 mouth. It's absolutely fair to say that I saw Wes Bellamy as
22 someone who was opposed to the objectives of Unite the Right,
23 which was to maintain the statues. So is he a kind of
24 political adversary or something? Do I hate him because he is
25 black, which is what you're suggesting? No.

R. Spencer - Direct

1 MR. BLOCH: Could we show Mr. Spencer PX-2808?

2 (Plaintiffs' Exhibit 2808 marked.)

3 BY MR. BLOCH:

4 Q Mr. Spencer, is this a tweet that you recognize?

5 A Yes.

6 Q And you sent this tweet, right?

7 A Yes.

8 MR. BLOCH: And I'd offer 2808 into evidence and
9 publish it to the jury.

10 THE COURT: Be admitted.

11 (Plaintiffs' Exhibit 2808 admitted.)

12 BY MR. BLOCH:

13 Q Mr. Spencer, you tweeted this on August 10th, 2017, right?

14 A Yes.

15 Q And it depicts Wes Bellamy caught in a net, right?

16 A Correct.

17 Q As if Wes Bellamy is some sort of monster, right?

18 A Well, it's a scene from the action/sci-fi Starship
19 Troopers, yes. It's one of these memes where you superimpose
20 faces onto a movie for, you know, hilarity to ensue.

21 Q Can we agree that this is an inherently dehumanizing photo
22 that you tweeted of Wes Bellamy?

23 A It is -- I have seen millions of photos of me like this.

24 This is a meme. It is -- yes, he is depicted as a kind of
25 sci-fi monster. So it is, in that sense, inherently

R. Spencer - Direct

1 dehumanizing. This is par for the course on social media. So
2 to exaggerate it, I think, is out of bounds.

3 Q Were you asked in your deposition testimony, page 236,
4 line 4: "Do you agree with me it's a particularly dehumanizing
5 image of Wes Bellamy you tweeted out on August 10th?"

6 Answer: "Yes. He's been turned into an alien monster, so
7 it's inherently dehumanizing."

8 Did you give that testimony?

9 A That is what I just said, Mr. Bloch. That is absolutely
10 synonymous with what I just said in court. And if I don't use
11 the exact wording, it's as if you want to prove that I'm lying.
12 This is getting ridiculous.

13 Q In this tweet you specifically tagged Wes Bellamy, right?

14 A Yes.

15 Q And when you do that, he gets a notification of the post,
16 right?

17 A Right.

18 Q And what you wrote on the photograph is the words, "it's
19 afraid," right?

20 A I did not write that on the photograph. Someone else made
21 that meme. It was probably sent out to me first and I copied
22 the image and then tweeted it out myself.

23 Q And it says --

24 A "It's afraid," yes, which is a line from Starship
25 Troopers.

R. Spencer - Direct

1 Q And do you agree with me -- well, withdrawn.

2 Did you give this testimony, Mr. Spencer, page 237,
3 line 10, line 12?

4 "Do you agree with me that the import of this image you
5 tweeted out on August 10th was" --

6 A Do you want to keep reading? I mean, you just keep doing
7 this. I mean --

8 Q Do you --

9 A I used different words.

10 Q I'm going to read your testimony --

11 A A year has passed. I will use different wording. I have
12 said the exact same thing, Mr. Bloch.

13 Q Here's my question, Mr. Spencer.

14 A Yes.

15 Q Did you testify that the import of this image you tweeted
16 out on August 10th was that Wes Bellamy should be afraid of the
17 upcoming alt-right rally in Charlottesville?

18 A I said that, yes.

19 Q Now, during this time you had also been drafting a
20 manifesto, right?

21 A This is -- what do you mean by "manifesto"? You mean the
22 alt-right -- the Charlottesville Statement?

23 Q Correct.

24 A Yes. I had worked on that, yes.

25 Q That was a manifesto that you drafted with Augustus

R. Spencer - Direct

1 Invictus, right?

2 A Yes. It was his idea. And he contributed --

3 Q Mr. Spencer --

4 A I'm answering the question so that they will have an
5 accurate representation. And I'm actually saying that I wrote
6 the majority of it.

7 Q That's the question.

8 A Yes.

9 Q So they've answered it?

10 A Yes.

11 Q Mr. --

12 A Let me say that so we don't have cross-talk.

13 It was Augustus Invictus' idea. I remember that I met
14 him. He contributed some things to it. I also ran it by some
15 other people, but effectively I wrote it. The language is
16 mine.

17 Q And you chose to publish it on August 11th, right?

18 A Correct.

19 Q And you tweeted it to your followers, right?

20 A Yes.

21 MR. BLOCH: And if I could show Mr. Spencer PX-2070.

22 BY MR. BLOCH:

23 Q Is that the manifesto?

24 A "A Metapolitical Manifesto for the Alt-Right Movement,"
25 yes.

R. Spencer - Direct

1 MR. BLOCH: And I would move 2070 into evidence and
2 publish it to the jury.

3 THE COURT: It will be admitted.

4 (Plaintiffs' Exhibit 2070 marked.)

5 (Plaintiffs' Exhibit 2070 admitted.)

6 BY MR. BLOCH:

7 Q Now, the first three sections of the manifesto that you
8 wrote with Mr. Invictus were "Race," "Jews," and "The
9 Ethnostate," right?

10 A Yes.

11 Q "Race" begins with: "Race is real. Race matters. Race
12 is the foundation of identity," right?

13 A Correct.

14 Q The section on Jews says that "Jews are an ethnoreligious
15 people distinct from Europeans," right?

16 A Yes.

17 Q Essentially, that Jews are not white, right?

18 A Yes.

19 Q And the third category is called "The Ethnostate," right?

20 A Correct.

21 Q It says: "Nations must secure their existence and
22 uniqueness and promote their own development and flourishing,"
23 right?

24 A Correct.

25 Q And that states, effectively, the alt-right's desire for

R. Spencer - Direct

1 an ethnostate, right?

2 A Yes. I mean, it says -- it's a -- yes. It says the state
3 is an existential entity. So it's for everyone throughout
4 time, yes.

5 Q Isn't it true, Mr. Spencer, that what you actually wrote
6 in "The Ethnostate" is coded language for the 14 Words; isn't
7 that true?

8 A No.

9 Q Well -- so the 14 Words is "we must secure the existence
10 of our people and a future for white children," right?

11 A Yes.

12 Q And this says, "nations must secure their existence and
13 uniqueness and promote their own development and flourishing,"
14 right?

15 A Yes.

16 Q And you actually wrote a draft of this document before you
17 published it, right?

18 A I'm sure I did, yes.

19 MR. BLOCH: And so if we could show PX-3126.

20 (Plaintiffs' Exhibit 3126 marked.)

21 BY MR. BLOCH:

22 Q Mr. Spencer, is this an email that you sent on August 10th
23 to Augustus Invictus?

24 A Yes.

25 MR. BLOCH: I would offer this into evidence.

R. Spencer - Direct

1 THE COURT: Be admitted.

2 (Plaintiffs' Exhibit 3126 admitted.)

3 BY MR. BLOCH:

4 Q And, Mr. Spencer, this is a draft of the Charlottesville
5 Statement, right?

6 A Yes.

7 Q And you sent it to Mr. Invictus on August 10th, right?

8 A Yes.

9 Q And there is a section, if we can go to the next page,
10 that says, "all nations and all identities have a prerogative
11 to secure their existence and uniqueness and promote their own
12 development and flourishing," right?

13 A Right.

14 Q That's what ultimately became your section about "The
15 Ethnostate," right?

16 A Right.

17 Q But in your draft, the title for this section was "14,"
18 right?

19 A Right. I think it's expressing the same sentiment as the
20 14 Words, yeah. But I -- it's not code. I mean, it is what it
21 is.

22 MR. BLOCH: We can take that down.

23 Could we just put that back up for one second?

24 BY MR. BLOCH:

25 Q I just want to be clear for the jury. None of the other

R. Spencer - Direct

1 sections are labeled with a number, right? One is called "The
2 Baby Boomers," "The State," "Education," "The Police," et
3 cetera, right?

4 A Right.

5 MR. BLOCH: We can take that down. Thanks.

6 BY MR. BLOCH:

7 Q And if we can go back to the Charlottesville Statement
8 itself, the fourth category was called metapolitics, right?

9 A Yes.

10 Q And what that says is the alt-right -- well -- "spirit is
11 the wellspring of culture and politics is downstream of that.
12 The alt-right wages a situational and ideological war on those
13 deconstructing European history and identity," right?

14 A Right.

15 Q And so you had referred to, in this manifesto, a
16 "situational and ideological war" the night before Unite the
17 Right, correct?

18 A Yes.

19 Q And you also have a section on "White America"?

20 A Okay.

21 Q Right?

22 A Right.

23 Q I'm sorry. If we can go down to part 6?

24 A "Europe."

25 Q Right. You say, "Europe is our common home, and our

R. Spencer - Direct

1 ancestors' bone and blood lie in its soil," right?

2 A Yes.

3 Q And this is a reference to the Nazi slogan "blood and
4 soil," right?

5 A No. I mean, "ancestors' bone and blood," that's saying
6 that there are people who lie in the soil. I mean, you could
7 say you could compare it to "blood and soil," but it's kind
8 of -- I don't know what to say. It's not a code. It's not
9 necessarily totally different. It's not a code for that. It
10 is what it is. I write what I mean, and it's right there.

11 Q So you also say, "the so-called 'refugee crisis' is an
12 invasion, a war without bullets" --

13 A "War without bullets." I remember writing that, yes.

14 Q -- "taking place on the field of race," right?

15 A Right. Race, religion, sex, and morality, yes.

16 Q This is the second reference to war in this three-page
17 document, right?

18 A Perhaps. I mean, I'm sure there are lots of references to
19 war, and obviously it's a metaphor that's very powerful.

20 Q And there's also a section on firearms, right?

21 A Yes. Please read that.

22 Q That says, "all US citizens, all Europeans, should have
23 the right to bear arms as a means of protecting themselves and
24 their families and enjoying the manly support of hunting,"
25 right?

R. Spencer - Direct

1 A Absolutely, yes.

2 Q And then you have a section on "The Left," right?

3 A Yes.

4 Q Which says "leftism is an ideology of death and must be
5 confronted and defeated," right?

6 A Yes.

7 Q Would it be fair to say, Mr. Spencer, that this manifesto
8 that you published the night before Unite the Right was a white
9 supremacist declaration of war?

10 A No. I mean, again, we need to define things like
11 "declarations of war." Whenever there's -- even the word,
12 like, "political campaign" is a war metaphor. It's a campaign
13 that you want to win and defeat your enemy. This is rhetoric
14 that everyone uses and that is poetic and is powerful, which is
15 why people use it. Of course I would, too. But to say this is
16 a war document is absurd.

17 Q So on the day that you -- well, you released this on
18 August 11th, right, and that's when you drove to
19 Charlottesville?

20 A Correct.

21 Q And you stayed at an Airbnb with Greg Conte and someone
22 named Matthew Warner?

23 A Correct.

24 Q And Matthew Warner was actually chief of staff of Identity
25 Evropa?

R. Spencer - Direct

1 A Correct.

2 Q You also on August 11th, when you arrived in
3 Charlottesville, you had lunch with David Duke, right?

4 A I remember we went -- yes.

5 Q And you were joined there by Greg Conte and Elliot Kline,
6 right?

7 A I don't remember Elliot being there, but I was there. I
8 remember David Duke being there, and Greg was there, of course.
9 Yes.

10 Q And how about Jack Pierce, Ajax, your security guy?

11 A He was probably there.

12 Q And there was also a group text that was set up for the
13 weekend, right?

14 A Likely. I mean, show me.

15 MR. BLOCH: Why don't we introduce PX-3146?

16 THE COURT: Be admitted. Go ahead.

17 (Plaintiffs' Exhibit 3146 marked.)

18 (Plaintiffs' Exhibit 3146 admitted.)

19 BY MR. BLOCH:

20 Q Is this a text, Mr. Spencer, that you received on
21 August 11th?

22 A Yes.

23 Q And on that group is Augustus Invictus, right?

24 A Yes.

25 Q Nathan Damigo?

R. Spencer - Direct

1 A Yes.

2 Q Chris Cantwell?

3 A Yes.

4 Q Michael Hill?

5 A Yes.

6 Q Jason Kessler?

7 A Yes.

8 Q And some other 951 number, correct?

9 A Yes.

10 Q And you agree with me that everybody on this group text is
11 a leader of Unite the Right?

12 A Yeah, sure. I mean, more -- yes.

13 Q And -- we can take that down. Thanks, Matt.

14 A What does the text say?

15 Q That text said "negative," right?

16 A Okay.

17 Q You also --

18 MR. BLOCH: Can we show him PX-3115?

19 (Plaintiffs' Exhibit 3115 marked.)

20 BY MR. BLOCH:

21 Q That's a text -- do you recognize that text? Is that from
22 Mr. Mosley to you?

23 A Yes.

24 MR. BLOCH: And so I would move in PX-3115.

25 THE COURT: Be admitted.

R. Spencer - Direct

1 (Plaintiffs' Exhibit 3115 admitted.)

2 BY MR. BLOCH:

3 Q Mr. Mosley texted you an August 11th, "Never mind, I'll
4 just text you. We're canceling the afterparty to the general
5 public, but still having one for leadership and VIP," right?

6 A Yes.

7 Q And so he's referring to you in that text as leadership,
8 right, or VIP?

9 A Or VIP. I mean...

10 Q On the evening of August 11th you -- and let's just show
11 it so there's no confusion. PX-3106.

12 Do you recognize that, Mr. Spencer, as a text from
13 Mr. Kessler to you on August 11th?

14 A Yes.

15 MR. BLOCH: And I'd like to move this into evidence,
16 Your Honor, and publish it to the jury.

17 THE COURT: Be admitted.

18 MR. JONES: What was the number of that?

19 MR. BLOCH: 3106.

20 (Plaintiffs' Exhibit 3106 admitted.)

21 BY MR. BLOCH:

22 Q Mr. Kessler texted you at 5:38 p.m. on August 11th, "I'm
23 sure you already know, but leadership meeting tonight 7 p.m. in
24 McIntire Park," right?

25 A He texted that, yes.

R. Spencer - Direct

1 Q Fair to say that Mr. Kessler regarded you as one of the
2 leadership?

3 A Perhaps. I don't speculate on how he regarded me. He's
4 telling me about a leadership meeting, but I don't believe I
5 attended.

6 Q Right. So you didn't attend that meeting, right?

7 A No.

8 Q And, in fact, you told the jury that you were absent
9 during every planning session for both the torchlight march on
10 Friday and the aborted Saturday rally, right?

11 A Right.

12 Q But what you didn't tell the jury is that you sent Greg
13 Conte to that meeting on your behalf, right?

14 A I didn't tell them that because that's not how I would
15 characterize it. I mean, Greg was very enthusiastic about
16 security and so on. And he attended that meeting, I believe,
17 at least.

18 Q Did you give this testimony under oath, Mr. Spencer,
19 page 255, line 18?

20 Question: "And so you were invited, in fact, to the
21 leadership meeting, correct?"

22 Answer: "Yes."

23 Question: "Are you saying you did not attend the meeting
24 itself?"

25 Answer: "No, I did not attend it."

R. Spencer - Direct

1 Question: "Okay. But Greg Conte did attend the meeting
2 on your behalf, correct?"

3 Answer: "You could say that, on my behalf, yeah. I mean,
4 I was not involved in this stuff, but Greg attended it."

5 Question: "Okay. And after attending the meeting, did he
6 report back to you on what was discussed at the meeting?"

7 Answer: "He reported back some basic stuff, such as we
8 were meeting at Nameless Field and so on."

9 Did you give that testimony, Mr. Spencer?

10 A Yes. Once again, I have expressed identical sentiments
11 using different words. I don't know why you're doing this.

12 Q And about an hour before you were going to go to the
13 march, you sent an email to the NPI listserv, right?

14 A Quite probably. I'll take your word for it.

15 MR. BLOCH: Let's show PX-3120.

16 (Plaintiffs' Exhibit 3120 marked.)

17 BY MR. BLOCH:

18 Q Is this an email, Mr. Spencer, that you sent to the NPI
19 listserv?

20 A Just to be accurate, I -- this has refreshed my memory.
21 Just to be accurate, I believe Evan McLaren did that. Again,
22 it's a listserv that I owned, so, I mean, I'll take
23 responsibility for it. But he was sending these emails at the
24 time. But -- I mean, let's not do this again.

25 Q Could we just scroll down?

R. Spencer - Direct

1 A Yes.

2 Q So let's move that into evidence and we can talk about it.

3 A Yeah.

4 MR. BLOCH: Judge, I offer PX-3120.

5 THE COURT: Be admitted.

6 (Plaintiffs' Exhibit 3120 admitted.)

7 BY MR. BLOCH:

8 Q So, Mr. Spencer, you're saying that this is an email that
9 somebody else wrote under your name; is that --

10 A Correct. Yes.

11 Q So this is -- there were times, you would agree, that you
12 had other people acting for you on your behalf; is that right?

13 A Yes.

14 Q Okay. But you actually signed, or your name is at the
15 bottom of this document, right?

16 A Yes.

17 Q And it went from your email address to your followers at
18 NPI, correct?

19 A Correct.

20 Q And what was written was -- and this is about -- just to
21 be clear, this is at 7:54 p.m. on August 11th, right?

22 A Yes.

23 Q And you wrote, "as I write, the stage is being set for a
24 historic victory for our movement and our people in
25 Charlottesville," right?

R. Spencer - Direct

1 A Right.

2 Q You said, "we are in this game" -- "we are in this
3 game" -- I'm sorry. Is that on the next page?

4 "We are in this game for victory, not forehead pats.
5 There would have been no challenge for others to join if we had
6 not stood up first and said to the world, 'You will not replace
7 us. You cannot replace us," right?

8 A Correct.

9 Q And that was, in fact, the chant that -- one of the chants
10 that you all chanted during the torch march that happened an
11 hour later, right?

12 A Right.

13 Q And you also said, "Figureheads of conservatism write
14 articles, send tweets, and even testify before Congress in
15 lofty rhetoric expressing how important freedom of speech is to
16 them. But they never take personal risk to defend that freedom
17 and retreat from the field of battle whenever those risks
18 arise. Their words lack even symbolic meaning," right?

19 A Very well-written. Yes.

20 Q And you would agree with me that an hour after you sent
21 the email talking about advancing on the field of battle, you
22 participated in an all-out attack on a number of
23 counter-protesters at the Thomas Jefferson statue, correct?

24 A Absolutely not. Again, the way you're expressing it --
25 "an all-out attack"? I was not involved in even anything like

R. Spencer - Direct

1 that on August 11th.

2 Secondly, that is rhetoric. You know, we are going to
3 take the field of battle. That is clearly rhetorical. And
4 again, in the literal, actual realm, I was not engaged in an
5 all-out attack on anyone.

6 MR. BLOCH: Well, let's show Mr. Spencer PX-2401.

7 BY MR. BLOCH:

8 Q Do you recognize this tweet as something you sent out --

9 A Yes.

10 Q -- on August 11th?

11 And you tweeted this out right around the same time that
12 you sent that email, right?

13 A Yes.

14 MR. BLOCH: And if I could introduce this, Judge, and
15 publish to the jury.

16 THE COURT: Admitted.

17 (Plaintiffs' Exhibit 2401 marked.)

18 (Plaintiffs' Exhibit 2401 admitted.)

19 THE WITNESS: I am responding to the militarized
20 police presence. And I said it's become a war zone, yes.

21 BY MR. BLOCH:

22 Q Right. So an hour before -- approximately an hour before
23 the torch march, you tweeted out, "C'ville's become a war zone.
24 #charlottesville," correct?

25 A Yes.

R. Spencer - Direct

1 Q You then met at Nameless Field before the torch march,
2 right?

3 A Yes.

4 Q And Mr. Kessler was there, right?

5 A Yes.

6 Q Mr. Cantwell and Mr. Kline were there?

7 A Yes. I mean -- yeah.

8 Q There were hundreds of white nationalists gathered, right?

9 A Correct.

10 Q And I want to ask you, Mr. Spencer, about the torch march
11 itself, but let's step back for a second --

12 A Okay.

13 Q -- for some context.

14 You graduated, as we discussed, from the University of
15 Virginia, right?

16 A Yes.

17 Q And you are, therefore, familiar with the demographics of
18 the student body, right?

19 A Well, I was familiar with them around the turn of the
20 century. I'm sure they changed a little bit in the subsequent
21 15 years.

22 Q Okay. But you would agree it's a fairly diverse
23 community?

24 A Fairly -- yes, sure.

25 Q And that there's an active Jewish community, right?

R. Spencer - Direct

1 A I imagine there is, sure.

2 Q And you're also familiar with the layout of the campus,
3 right?

4 A Yes.

5 Q So could we show the demonstrative that was used in
6 opening?

7 Do you see that, Mr. Spencer?

8 A Yes.

9 Q Is that a -- is that a depiction of UVA's campus?

10 A Yes.

11 Q And Nameless Field is right here, right, where I've just
12 marked?

13 A Yes.

14 Q And the Thomas Jefferson statue is here? And I'm marking,
15 for the record, the little pink dot on the screen; is that
16 right?

17 A That's how I would understand it, yes.

18 Q And you agree with me that to get from Nameless Field to
19 the Thomas Jefferson statue, one could walk this way down
20 University Avenue, as I have depicted on the screen, correct?

21 A That's very possible.

22 Q But you didn't go that way, right?

23 A We did not.

24 Q What you did instead is you started here at Nameless
25 Field, right?

R. Spencer - Direct

1 A Right.

2 Q And then you marched up this way, correct?

3 A You know, I don't -- I don't really want to quibble here,
4 but I don't think that's quite accurate. But again, I'm going
5 on memory. So I might be wrong, and it's not a huge
6 difference.

7 Q Fair.

8 A But would you like me to --

9 Q Sure. Why don't you mark which direction you think you --

10 A Okay. Again, this is at least how I remember it. And
11 obviously it's a fact; someone else could report on it and it
12 doesn't make such difference.

13 I believe we went this way and then around and then
14 entered the Lawn at some point, perhaps around the computer
15 lab -- what was the computer lab when I was there -- and then
16 marched this way. That's at least how I remember it.

17 Q That's fair.

18 MR. BLOCH: Just for the record, Mr. Spencer has
19 marked the route that they took on the screen in blue.

20 BY MR. BLOCH:

21 Q Focusing on this area here, I'm marking with my finger in
22 pink. That area is called the Lawn, right?

23 A Right.

24 Q And college students live in those houses, right?

25 A Right.

R. Spencer - Direct

1 Q It's a residential area?

2 A Right.

3 Q The people that populate those houses are not legislators,
4 right?

5 A No. Future legislators, perhaps.

6 Q They're not businesses, right?

7 A Right.

8 Q They're just college kids?

9 A Right.

10 Q The plan was for hundreds of white nationalists to march
11 through campus the way you've marked down the Lawn, carrying
12 lit torches, chanting "Jews will not replace us" within
13 approximately 10 to 15 feet of a residential area, right?

14 A Walking through a residential area, yes.

15 Q And would you agree with me, Mr. Spencer, that this is
16 likely to be intimidating to the students that happen to be on
17 campus?

18 A I'm sure that they would see it as, wow, this is a
19 powerful protest, if you want to say that that's intimidating.
20 It was meant to be a powerful statement. There's no question.

21 Q Did you testify that this was likely to be intimidating to
22 students who happen to be on campus?

23 A I'm sure I did. You don't have to point out the page
24 number.

25 Q And in fact, Mr. Spencer, you led the torch march, right?

R. Spencer - Direct

1 A No.

2 MR. BLOCH: Could we show PX-2021.

3 (Plaintiffs' Exhibit 2121 marked.)

4 THE COURT: Yes.

5 MR. BLOCH: 2121. Sorry.

6 BY MR. BLOCH:

7 Q Do you recognize this, Mr. Spencer, as a --

8 A Yes.

9 Q This is a video you put out the night of August 11th after
10 the torch march, right?

11 A Yes.

12 MR. BLOCH: I would offer PX-2121 into evidence.

13 THE COURT: Be admitted.

14 (Plaintiffs' Exhibit 2121 admitted.)

15 MR. BLOCH: And if we could just play for the jury
16 from time stamp 1:51 to 2:00.

17 (Video playing.)

18 BY MR. BLOCH:

19 Q Did you say that, Mr. Spencer?

20 A I said I was at the lead, yes, I said that.

21 Q With respect to the torch march, right?

22 A Yes.

23 MR. BLOCH: And if we could show Mr. Spencer first
24 PX-3101.

25 I'm sorry. Correct. 3107.

R. Spencer - Direct

1 (Plaintiffs' Exhibit 3107 marked.)

2 BY MR. BLOCH:

3 Q Do you recognize this text message as a text from
4 Mr. Kessler --

5 A Yes.

6 Q -- to you?

7 And I would move this in, Judge, 3107, please.

8 THE COURT: Be admitted.

9 (Plaintiffs' Exhibit 3107 admitted.)

10 BY MR. BLOCH:

11 Q This was a text that Mr. Kessler sent you on August 11th
12 at approximately -- or exactly 10:15 p.m. And the text is,
13 "Come out front," right?

14 A Right.

15 Q And what that text meant was, come out to the front of the
16 torch march to get the march started, right?

17 A I -- I mean, it -- he texted -- so this is during the
18 beginning of the torch march?

19 Q Correct.

20 A Okay. So "come out," you know -- yeah, I mean, I was
21 certainly at the front. I mean, we could quibble about who's
22 leading. And I don't want to do that. But I -- I remember
23 he -- I remember absolutely seeing Jason Kessler there. But it
24 was his event. I was in the lead, I think that's fair, at the
25 front of the torch march. "Come out front," I think he's

R. Spencer - Direct

1 trying to get my attention, though, to talk to me. I mean, I
2 don't know. Out front --

3 Q You agree that this is out front to start the torch march,
4 right?

5 A I think he is trying to get my attention, come out front,
6 come up to the lead, so he wanted to see me. That's what I
7 think that means.

8 Q And you marched near Mr. Kessler, right?

9 A I was near Mr. Kessler, yes.

10 Q And I believe we've all heard all this, but there were
11 various chants during the march, right?

12 A Right.

13 Q "Blood and soil," "Jews will not replace us," right?

14 A Those were chants, yes.

15 Q And you marched through the Lawn and then up the back of
16 the Rotunda, right?

17 A Right. Yes.

18 MR. BLOCH: And could we put that demonstrative back
19 up.

20 BY MR. BLOCH:

21 Q Just to be clear for the jury, the building that I'm
22 circling here is the Rotunda, right?

23 A Right.

24 Q And so you come down this way, down the Lawn, and then
25 there's like a little sort of pathway --

R. Spencer - Direct

1 A Right.

2 Q -- around the Rotunda?

3 A Yes.

4 Q And so you went this way, right?

5 A Right.

6 Q And then you come out, when you go around that pathway, to
7 the front of the Rotunda, right?

8 A Correct.

9 Q And then there's a series of steps down from the front of
10 the Rotunda, correct?

11 A Yes.

12 Q And this, again, that I'm circling is the Thomas Jefferson
13 statue, right?

14 A Right.

15 Q And so you at some point with the torch marchers got to
16 the top of the steps of the Rotunda looking down at the Thomas
17 Jefferson statue, correct?

18 A Correct.

19 Q And when you got to the top of the steps you could see at
20 that point that there were students encircling the statue,
21 right?

22 A That's the first time I saw them, yes.

23 Q And you could see from that vantage point that they were
24 standing there locking arms, right?

25 A Yes.

R. Spencer - Direct

1 MR. BLOCH: And could we just actually show -- this
2 is already in evidence -- CC134 from 4:30 to 5.

3 (Video playing.)

4 MR. BLOCH: You can stop it there.

5 BY MR. BLOCH:

6 Q That's taken from essentially your vantage point, right,
7 at the top of the -- I'm not saying you took the video, but
8 that's essentially the view from --

9 A From the top of the Rotunda.

10 Q Correct?

11 A Yes.

12 Q To the Thomas Jefferson statue. And so you could see at
13 that point when you were there that there was nothing
14 separating you and the students, right?

15 A You're talking about the students that are surrounding the
16 statue?

17 Q Correct.

18 A There's nothing -- yes.

19 Q There was no barricade, right?

20 A There's no barricade.

21 Q There was no police there, right?

22 A I think some police might have been there, but I generally
23 agree with you. I don't want to quibble.

24 Q Well, you didn't call the police, right?

25 A I did not call the police, no.

R. Spencer - Direct

1 Q What you did -- and you didn't decide to take the protest
2 somewhere else on campus, right?

3 A No.

4 Q You didn't decide to direct the torch march to a place
5 away from the students, right?

6 A No.

7 Q You decided to walk down the steps and surround them at
8 the statue so that they couldn't get out, right?

9 A The idea -- always the idea was to end up at the Jefferson
10 statue. I remember hearing that. So we, again, did what was
11 the general direction, and we ended up at the statue.

12 Q My question was --

13 A There was no objective to surround people. That happened
14 because there were counter-protesters who were surrounding the
15 statue and they were outnumbered by a great, great deal.

16 Q Right. They were outnumbered about 25 to 1, right?

17 A That sounds fair. Maybe more.

18 Q And isn't it true that at that point the decision was made
19 to walk down towards the students and surround them?

20 A Well, what I'm saying is that from what I remember, the
21 idea was always to end up at the Jefferson statue.

22 Q I understand that, Mr. Spencer --

23 A So that it would be proper to say the decision was made
24 not to go elsewhere. The decision was made to end up at the
25 Jefferson statue.

R. Spencer - Direct

1 Q And I'm focused right now on the point when you're at the
2 top of the steps.

3 A Okay.

4 Q And the decision was made at that point to surround the
5 students, right?

6 A The decision was made to go to the Jefferson statue. We
7 ended up -- it's clear that we ended up surrounding the
8 students. It's just you're trying to characterize it as that
9 was the name of the game or something. The idea, as I
10 understood it, was always to end up there. And we did end up
11 surrounding them for a time as a matter of fact.

12 Q Did you testify at some point: "The alt-right made the
13 decision to surround the statues, correct?"

14 Answer. "Yes."

15 Did you testify to that?

16 A "Surround the statues," I'm sure I did say that, yes.

17 Q My apologies. To surround the students, correct?

18 A Students? Okay. You know -- yes. I don't think you're
19 lying. I probably said that. I am just adding context here.

20 Q And if we could introduce or show Mr. Spencer first
21 PX-2117?

22 A What page was that on, just for my --

23 Q Page 280, line 4.

24 (Plaintiffs' Exhibit 2117 marked.)

25

R. Spencer - Direct

1 BY MR. BLOCH:

2 Q Could we show Mr. Spencer --

3 A You actually -- "And whose decision was it to surround the
4 students encircling the statue," was your question. I said, "I
5 don't think it was any one person's decision, as if it were, I
6 did not see it. It just seemed to kind of occur organically
7 because there were all these people. We were in a long
8 procession and we ended up at the statue so there was a kind of
9 bottleneck and it just kind of naturally seemed to form a
10 circle. I didn't hear anyone say, you know, next step,
11 encircle them, or anything. It just seemed to naturally
12 occur."

13 So again, I'm expressing the same sentiment using
14 different words. As always --

15 Q So just a couple things. First of all, you left out the
16 question I did read to you, right, which is, "At some point the
17 alt-right made the decision to surround the students" --

18 A Surround the students encircling the statue --

19 Q I read that correctly, didn't I?

20 A No, I actually read that, too.

21 Q Right. And you said that you didn't hear anyone say, next
22 step, encircle them or anything, right?

23 A Right. I did say that, yes.

24 Q So why don't we show Mr. Spencer PX-2117 at 21:07 to
25 21:43. And just take a look, Mr. Spencer, tell me if you

R. Spencer - Direct

1 recognize it.

2 (Video playing.)

3 A Yes, that's me at the torch march.

4 MR. BLOCH: One moment. Court's indulgence.

5 (Plaintiffs' Exhibit 2117 marked.)

6 MR. BLOCH: Judge, I would offer PX-2117 into
7 evidence from the time 21:07 to 21:43.

8 THE COURT: Be admitted.

9 MR. CANTWELL: What was the exhibit number?

10 MR. BLOCH: 2117.

11 (Plaintiffs' Exhibit 2117 admitted.)

12 (Video playing.)

13 BY MR. BLOCH:

14 Q Mr. Spencer, that's a video of you standing near the
15 Thomas Jefferson statue in the group, right?

16 A Correct.

17 Q And you agree with me that somebody near you said, quote,
18 "We need some more people to fill in this way to block these
19 guys off"?

20 A I did not hear that. I heard -- I guess it was the person
21 taking the video saying "this is the speaker for the evening.
22 It's my guy." I heard that. I did not hear what you just
23 said.

24 Q Okay. Let's play the last ten seconds or so of the video.

25 A Okay. I'll listen.

R. Spencer - Direct

1 (Video playing.)

2 Q Did you hear that, Mr. Spencer?

3 A I heard it this time. "We need some more guys to fill in
4 this way to block them off," is that --

5 Q "To block these guys off."

6 A "To block these guys off."

7 Q Now, the fact of the matter is, Mr. Spencer, you
8 surrounded them at the statue and you wouldn't let them out;
9 isn't that true?

10 A They were surrounded, and for a time they were fully
11 surrounded. They eventually did leave.

12 Q And my question is you surrounded them at the statue and
13 would not let them out, right?

14 A For a time, yes.

15 Q Let's show Mr. Spencer PX-2500, please.

16 THE CLERK: I'm sorry, I can't hear you, Mr. Bloch.

17 BY MR. BLOCH:

18 Q Do you recognize this, Mr. Spencer, as a tweet you sent?

19 A Yes.

20 MR. BLOCH: I would offer this into evidence and
21 publish, please.

22 (Plaintiffs' Exhibit 2500 marked.)

23 (Plaintiffs' Exhibit 2500 admitted.)

24 BY MR. BLOCH:

25 Q This is a tweet, Mr. Spencer, that you sent -- that you

R. Spencer - Direct

1 tweeted on August 11th, correct?

2 A Yes.

3 Q And you're replying to a tweet that says, "They surrounded
4 us at the statue. They wouldn't let us out," right?

5 A Yes.

6 Q And you retweeted that with a quote, and your quote was
7 "fact checked, true," right?

8 A Yes.

9 Q Thanks. And would you agree with me, Mr. Spencer, that
10 the reason why you were trying to pin them in at the statue was
11 as a sign of dominance?

12 A Yes.

13 Q Now, you stayed at the Thomas Jefferson statue from the
14 beginning to the end, right?

15 A The end of? Of the evening?

16 Q The evening.

17 A As I remember it, yes.

18 Q And isn't it true, Mr. Spencer, that you did not see any
19 of the students do anything aggressive to the alt-right?

20 A I didn't -- I saw -- as I testified, I believe earlier as
21 well, I remember seeing evidence of pushing and shoving going
22 on. Now, who started it, I don't know. I remember seeing
23 that. In terms of the plaintiffs, I do not remember seeing the
24 plaintiffs at all on that night. And I don't remember seeing
25 the plaintiffs engage in aggressive action. That is true.

R. Spencer - Direct

1 Q On July 1st of 2020 when you were deposed in this case,
2 referring to page 279, line 16, were you asked this question
3 and did you give this answer.

4 Question: "All right. Focusing on my question, other
5 than the torch being knocked down, you didn't see any of the
6 students doing anything aggressive or threatening to the
7 alt-right, correct?"

8 Answer: "No. No overt assault. I did not see an overt
9 assault."

10 Question: "Let's just be clear about my question: You
11 did not see anything --"

12 Answer: "I did not see anything. I did not report
13 anything. No, I did not see anything like that."

14 Did you give that testimony?

15 A I gave that testimony. Again, I'm expressing the exact
16 same sentiment.

17 Q Mr. Spencer --

18 A Above I said I probably saw a little bit of pushing and
19 shoving, but that's the most. So I've reiterated myself on
20 both occasions. I mean, I did not see any assault on the
21 plaintiffs nor did I see the plaintiffs engage in aggressive
22 action.

23 Q Are you again reframing my question to be from the
24 students who were there to just the plaintiffs, Mr. Spencer?
25 Is that what you're --

R. Spencer - Direct

1 A No, I'm trying to be accurate. As I have said, I can
2 remember seeing pushing and shoving. And I'm not expressing an
3 opinion on who pushed or shoved first, actually. I just
4 remember seeing some of those things. I do not remember seeing
5 the plaintiffs. And I do not remember seeing them engage in
6 anything aggressive. I've said this about three times now. I
7 mean, is that clear?

8 Q Do you agree with me that, nonetheless, counter-protesters
9 were injured, right?

10 A Yes.

11 Q You actually heard a counter-protester crying for a medic,
12 right?

13 A I remember hearing -- I remember hearing someone cry
14 "medic, medic." I do remember that, yes.

15 Q And you thought that was funny, right?

16 A Well, I mean, I don't know. Funny, I mean, again, are you
17 going to show me -- I remember hearing someone say "medic,
18 medic." That does ring a bell.

19 Q Could we show PX-2121, which I believe is in evidence.
20 This is again the periscope video that you released yourself on
21 August 11th, right?

22 A Well, let me see before I --

23 Q Let's go to 4:44.

24 (Video playing.)

25 Did you say that, Mr. Spencer?

R. Spencer - Direct

1 A Yes, I did.

2 Q And you're aware that one of your co-defendants, at least
3 one of your co-defendants, was charged with criminal behavior
4 that night, right?

5 A I -- yes. I mean, I don't know exactly what you're
6 referring to, but I can imagine.

7 Q Despite everything that happened, despite where you were
8 during all the violence around the Thomas Jefferson statue, you
9 actually testified under oath in this case that there was,
10 quote, no violence on the night of the torch march, right?

11 A It's very important to define words. I have said over and
12 over that I saw pushing and shoving. And there are fights and
13 so on that I've heard about and been revealed. If I've said
14 something like there was no violence, that's in comparison with
15 some of the things that we saw on August 12th.

16 THE COURT: Let's take about a 20-minute recess now.

17 **(Jury out, 3:00 p.m.)**

18 (Recess.)

19 THE COURT: Call the jury back.

20 **(Jury in, 3:27 p.m.)**

21 THE COURT: All right. You may be seated.

22 MR. BLOCH: May I proceed, Your Honor?

23 THE COURT: You may.

24 BY MR. BLOCH:

25 Q Mr. Spencer, after what you observed at the Thomas

R. Spencer - Direct

1 Jefferson statue, you then climbed up on the statue and gave a
2 victory speech; isn't that true?

3 A I remember climbing up and saying some bold words. Maybe
4 calling it a speech might be a bit much, but...

5 MR. BLOCH: Let's show PX-2117 at 24:42, please.

6 (Plaintiffs' Exhibit 2117 marked.)

7 (Video playing.)

8 BY MR. BLOCH:

9 Q Mr. Spencer, is that the words that you said on
10 August 11th at the Thomas Jefferson statue?

11 A Yes.

12 Q And you heard people yelling "hail Spencer," right?

13 A Right.

14 Q And they yelled "hail victory," right?

15 A I heard that, yes.

16 Q And "this is what victory looks like," right?

17 A Did I say that?

18 Q I believe you said that.

19 A Okay. Yes.

20 Q And you said "alt-right, we own these streets, we occupy
21 this ground, we won," right?

22 A Yes. I heard that.

23 Q And after those words you went back to your Airbnb, right?

24 A Correct.

25 MR. BLOCH: Could we show Mr. Spencer PX-3074?

R. Spencer - Direct

1 (Plaintiffs' Exhibit 3074 marked.)

2 BY MR. BLOCH:

3 Q Do you recognize this as a text, Mr. Spencer, that you
4 received after the torch march on August 11th?

5 A Okay. Yes.

6 MR. BLOCH: I'd offer this into evidence, Judge.

7 THE COURT: Be admitted.

8 (Plaintiffs' Exhibit 3074 admitted.)

9 BY MS. DUNN:

10 Q And this is a text that you received from someone named
11 "Daniel @Arktos." And he says, "Hi. Me, Chris, and D'Marcus
12 recently arrived at the inn where Evan stays. Congrats on a
13 successful torch march," right?

14 A Yes.

15 Q And can we show -- well, let me just ask you, and I can
16 show you the text if you want.

17 A Okay.

18 Q Did you respond to that, "yeah, it was great"?

19 A That sounds about -- sounds like -- right, yeah.

20 Q You were pleased with what took place at the torch march,
21 right?

22 A Generally speaking, yes.

23 MR. BLOCH: And if we could show PX-2121 at 3:52,
24 this is the Periscope video that you put out.

25 (Video playing.)

R. Spencer - Direct

1 (Plaintiffs' Exhibit 2121 marked.)

2 BY MR. BLOCH:

3 Q And you told your followers, members, listening to this
4 Periscope video that "we occupied space," right?

5 A Yes.

6 Q And you didn't say anything in the Periscope video about
7 "we should tone down the violence for tomorrow" or anything
8 like that, right?

9 A I don't know if I did or not. Again, occupying space is
10 about what it is. It's about making a demonstration and going
11 out there and being bold and getting a message across. It's
12 not about violence. I think that's what you're trying to
13 conflate. It's not about going out there to engage in pushing
14 matches. It's about going out there and being: We're here,
15 we're proud we're here. That's what it's about. That's what
16 every demonstration is about.

17 Q So if we could show PX-3121, this is -- do you recognize
18 this, Mr. Spencer, as an email from you?

19 A Yes.

20 MR. BLOCH: I would move 3121 into evidence.

21 THE COURT: Be admitted.

22 (Plaintiffs' Exhibit 3121 marked.)

23 (Plaintiffs' Exhibit 3121 admitted.)

24 BY MR. BLOCH:

25 Q This is an email that you sent on 9 a.m. the morning of

R. Spencer - Direct

1 August 12th, right, to your NPI listserv, right?

2 A Yes. Just for the sake of accuracy, I take responsibility
3 because it is my list. Evan McLaren, as I remember, wrote it,
4 but again, it's coming from me, so I'll -- you know, that's
5 fair.

6 Q And it's got your name at the bottom, right?

7 A Yes.

8 Q And what this email says is, "as I write this, people are
9 getting in their cars and traveling to Charlottesville to be
10 part of what they saw on TV and the internet last night. Our
11 numbers are growing, and so is the intensity of our movement,"
12 right?

13 A Right.

14 Q You also stated in this email that you sent on August 12th
15 that "this is only the prequel," right?

16 A That's -- that is -- that's what I wrote, yes.

17 Q You said, "nothing could have prepared us for the energy
18 and fellowship we felt last night at the University of
19 Virginia. And imagine, this is only prequel," right?

20 A Yes.

21 Q Now, you did in fact attend Unite the Right on
22 August 12th, correct, the second event of Unite the Right,
23 correct?

24 A Yes.

25 Q And you went to McIntire Park, right?

R. Spencer - Direct

1 A That was where people were meeting up beforehand, yes.

2 Q And that's where you went?

3 A That's where I went, yes.

4 Q You joined a number of other white nationalists there,
5 right?

6 A Correct.

7 MR. BLOCH: And if we could just show PX-2570.

8 (Plaintiffs' Exhibit 2570 marked.)

9 THE CLERK: Is this previously admitted?

10 MR. BLOCH: Sorry, the time stamp --

11 THE WITNESS: That's afterward.

12 MR. BLOCH: Correct.

13 So the time stamp I'm looking for -- my apologies --
14 is 1:19:00.

15 BY MR. BLOCH:

16 Q Is that you, Mr. Spencer, walking into McIntire Park?

17 A That's my back, yes, in blue.

18 MR. BLOCH: If I could admit 2507 at that time
19 stamp --

20 (Discussion off the record.)

21 MR. BLOCH: The exhibit number is PX-2570, and the
22 time stamp is 1:19:00 to 1:19:19, and if we could publish it to
23 the jury.

24 (Video playing.)

25 BY MR. BLOCH:

R. Spencer - Direct

1 Q Mr. Spencer, that's you walking into McIntire Park with
2 your group, right, the morning of August 12th?

3 A Correct.

4 Q And you then met with David Duke in McIntire Park, right?

5 A I'm not sure I did that in the morning. I do remember
6 seeing him at McIntire Park.

7 Q Okay.

8 A That comes afterward.

9 MR. BLOCH: So let's play from 1:19:29 to 1:19:35.

10 PX-2570.

11 (Video playing.)

12 BY MR. BLOCH:

13 Q Does that refresh your recollection?

14 A I'm trying to be as accurate as possible here. I think
15 that was -- yes, I mean, I kind of remember seeing him later,
16 but that seems to be right. So if he was there, he was there.
17 Yeah.

18 Q You saw him twice, actually, on August 12th, right?

19 A Okay. I mean...

20 Q That's --

21 A Yeah, I'm not going to dispute obvious evidence, yes.

22 Q So that's you meeting with David Duke at some point on
23 August 12th, and you're discussing with him the fact that there
24 are Jews running this country, right?

25 A He was saying that, yes.

R. Spencer - Direct

1 Q And you were saying -- you agreed with that?

2 A Yes, I mean, sure.

3 Q And if we could show PX-2505.

4 (Video playing.)

5 Do you recognize that, Mr. Spencer?

6 A Yes.

7 MR. BLOCH: I'd offer this into evidence, Your Honor,
8 2505.

9 THE COURT: Be admitted.

10

11 (Plaintiffs' Exhibit 2505 marked.)

12 (Plaintiffs' Exhibit 2505 admitted.)

13 BY MR. BLOCH:

14 Q Mr. Spencer, is this a photograph of you addressing the
15 crowd of white nationalists at McIntire Park on August 12th?

16 A I think that's me addressing the media. I'm sure there
17 are some alt-right people there, too. But I believe that
18 happened after the rally.

19 Q Well --

20 A Because it's the white shirt. Because I did change
21 shirts. I'm just trying to be accurate.

22 Q That's fair. If we could just back it out and show that
23 the tweet was sent at 10:38 a.m., right?

24 A I'm really not trying to get in an argument about this. I
25 wonder if there's a time zone issue there, because I changed

R. Spencer - Direct

1 shirts after I left Charlottesville.

2 Q Well, you --

3 A And I was wearing a white shirt. That's how I remember.

4 Q Well, you actually gave inspiring words to the folks
5 gathered in McIntire Park both in the morning as well as after
6 the unlawful assembly was declared; isn't that true?

7 A I'm sure that's true, yes.

8 MR. BLOCH: We can take that down.

9 BY MR. BLOCH:

10 Q At some point you made your way over to Emancipation Park,
11 right?

12 A Right.

13 Q And you've claimed here that you were concerned that you
14 might get attacked at this rally, right?

15 A Yes.

16 Q And yet isn't it true, Mr. Spencer, that prior to
17 attending Unite the Right you had no communication whatsoever
18 with law enforcement?

19 A I communicated with the law enforcement in Alexandria,
20 Virginia, as I did, and I told him where we were going to be.
21 I at no point in my memory communicated with Charlottesville
22 law enforcement.

23 Q So you're saying when you left for the event, you told
24 police officers in your hometown of Alexandria that you were
25 leaving, right?

R. Spencer - Direct

1 A Yes.

2 Q And you had no communication with law enforcement --

3 A To my recollection --

4 Q -- in Charlottesville?

5 A -- I had no communication with Charlottesville law
6 enforcement.

7 Q And nobody from your security detail communicated with the
8 police; isn't that right?

9 A I'm not saying that.

10 Q Well, I'm asking you: Isn't it true that nobody in your
11 security detail communicated with the police?

12 A I can't say that.

13 Q Referring to page 203, line 2 of your testimony, were you
14 asked this question and did you give this answer.

15 Question: "Did you have any understanding that anybody
16 was communicating with the police that was in your security
17 detail?"

18 Answer: "Not in my security detail, no."

19 Did you give that testimony?

20 A Yes. And it's the same sentiment using different words.
21 It's my understanding --

22 THE COURT: Excuse me. What was different about the
23 two?

24 MR. BLOCH: I asked him, isn't it true nobody in your
25 security detail communicated with the police, and he said I

R. Spencer - Direct

1 can't say that. And so I was just reading him where it seemed
2 like he answered that much more directly.

3 THE COURT: Okay. But it just repeated the same
4 thing. It was not that different. That's not -- I don't know
5 what -- that's not impeachment.

6 MR. BLOCH: Understood, Your Honor.

7 THE COURT: I mean, you're entitled to read it --
8 because he's a party you can read anything he said, but you
9 just can't ask and answer and ask the same thing over.

10 MR. BLOCH: Judge, if he would answer my question and
11 he would answer it truthfully and consistently, I wouldn't have
12 to read the deposition.

13 THE COURT: Well, you didn't have -- sir, we went
14 through what the question was and his answer. You read the
15 question from the deposition and the answer, and they were
16 essentially the very same thing. And you shouldn't imply that
17 they're different.

18 MR. BLOCH: Okay. I'll move on, Judge.

19 BY MR. BLOCH:

20 Q Mr. Spencer, you were asked in discovery in this case to
21 identify each communication you had with each member of law
22 enforcement concerning the events of August 11th and 12th,
23 correct?

24 A Yes.

25 Q And you answered that question, right?

R. Spencer - Direct

1 A Yes.

2 MR. BLOCH: And if we could show Mr. Spencer PX-3304H
3 on page 38.

4 (Plaintiffs' Exhibit 3304H marked.)

5 BY MR. BLOCH:

6 Q And you signed these statements --

7 A Yes.

8 Q -- under penalty of perjury, right?

9 A Yes.

10 MR. BLOCH: Sorry, page 38.

11 BY MR. BLOCH:

12 Q And in answer to the question about each communication you
13 had with each member of law enforcement, whether before, during
14 or after the events --

15 A Okay.

16 Q -- you wrote -- let me just read it. You wrote: "I spoke
17 to local police and the state police as I was being expelled
18 from Emancipation Park on August 12th. I asked police officers
19 how to leave, and they pointed me to Market Street. I do not
20 know their names."

21 Is that what you said?

22 A Yes. Mr. Bloch, you were talking about my entrance to the
23 park and what was going on before the rally. And at least the
24 way I understood the question was did I have any preliminary
25 discussions with police or anything like that. I didn't. And

R. Spencer - Direct

1 I also can't tell you for certain what Greg Conte did or what
2 other people did.

3 Now, what I said there is also accurate. After the state
4 of emergency -- and we'll get there, I know, and you can ask me
5 this again, but once we -- once the state of emergency was
6 declared, I remember asking -- there was a state or local
7 police. I remember asking them, how do I get out of here? And
8 so I don't know their names. I don't know their badges. It
9 was a crazy time at that point.

10 So I am answering these things truthfully.

11 Q And that's the time period I'm focused on is after
12 unlawful assembly.

13 A That's where we are now. When I answered that question I
14 didn't speak to law enforcement, the way I understood it was we
15 were moving up to the rally. I mean, I'm trying to answer
16 these as honestly as possible. You seem to try to nitpick.
17 It's just --

18 Q Could we introduce PX-2872.

19 Is that a fair and accurate depiction of you at that same
20 moment that we're talking about on August 12th?

21 A Yes.

22 (Plaintiffs' Exhibit 2872 marked.)

23 MR. BLOCH: So I would offer 2872 into evidence.

24 THE COURT: Be admitted.

25 (Plaintiffs' Exhibit 2872 admitted.)

R. Spencer - Direct

1 BY MR. BLOCH:

2 Q Mr. Spencer, is this when you were asking police
3 officers --

4 A No.

5 Q -- how to find the exit?

6 A No, it was not. That's when we were being expelled. So
7 would you like me to talk about this or do you want to ask the
8 questions?

9 Q I'd like for you to answer my questions.

10 A No, is the answer to the question you just asked.

11 Q So at some point after -- at some point an unlawful
12 assembly was declared, right?

13 A Yes.

14 Q And you were ordered to leave, right?

15 A Yes.

16 Q And you refused to leave, right?

17 A We passively resisted, yes, for a time.

18 Q Well, you actually screamed at police officers that
19 they're going to have to drag you out of here, right?

20 A Yes.

21 Q And then they did, right?

22 A Not exactly dragged me out of there, but they definitely
23 used a police wall to force us off the field.

24 Q And you were maced by the police, right?

25 A Correct.

R. Spencer - Direct

1 MR. BLOCH: We can take that down, thanks.

2 BY MR. BLOCH:

3 Q And at 12:38 -- I believe you talked about this in your
4 opening statement -- you tweeted, "My recommendation, disperse,
5 get out of Charlottesville city limits, state of emergency has
6 been called," right?

7 A Yes.

8 Q And you stated to the jury that you did this to try to
9 prevent more chaos and violence and injury, correct?

10 A Yes.

11 Q You said you did that because it was time to get out of
12 Dodge, right?

13 A Yes.

14 Q And because you were disturbed by the chaos you saw
15 unfold, right?

16 A Yes.

17 Q You, in fact, Mr. Spencer, did not get out of Dodge at
18 that point, right?

19 A I was never in downtown Charlottesville. And I did
20 eventually leave the park when we were expelled by police.

21 Q Well --

22 A And I was talking to other people that it's good to get
23 out. I mean, the state of emergency had been called. I had
24 seen some images of chaos in downtown. The whole thing was
25 going south.

R. Spencer - Direct

1 Q Well, what you did is you went back to your Airbnb and you
2 made another video for your followers, right?

3 A I don't think that's actually correct. I went to Daniel
4 Friberg's -- we went to Daniel Friberg's motel, I believe. So
5 just to be accurate.

6 Q But you made another video, right?

7 A Right.

8 Q And you tweeted it out 13 minutes after that tweet about
9 disperse, right?

10 A Okay.

11 Q Is that right?

12 A I assume you're correct in the chronology.

13 Q So can we show Mr. Spencer PX-2527.

14 (Video playing.)

15 Q Is that you, Mr. Spencer?

16 A That is me, yes.

17 MR. BLOCH: I would move in PX-2527 from 1:45 to
18 2:31, please.

19 THE COURT: Be admitted.

20 (Plaintiffs' Exhibit 2527 marked.)

21 (Plaintiffs' Exhibit 2527 admitted.)

22 (Video playing.)

23 BY MR. BLOCH:

24 Q Mr. Spencer, did you say that and send that video out the
25 afternoon of August 12th?

R. Spencer - Direct

1 A Yes.

2 Q And when you say "Mr. Bellamy is a house you know what,"
3 what is it you're referring to?

4 A I think it's the house N word.

5 Q And if we could also show another portion of that video a
6 little bit later, 2:56 to -- sorry, 2:56 to 3:23. This is
7 PX-2527.

8 (Video playing.)

9 Q Did you say that, Mr. Spencer, on August 12th?

10 A Yes.

11 Q That's a video that you tweeted out -- well, let's show
12 the tweet. Can we show PX-3796.

13 Do you recognize that as a tweet, Mr. Spencer?

14 A Yes, I do.

15 MR. BLOCH: I'd like to move PX-3796 into evidence.

16 THE COURT: Be admitted.

17 (Plaintiffs' Exhibit 3796 marked.)

18 (Plaintiffs' Exhibit 3796 admitted.)

19 BY MR. BLOCH:

20 Q This is a tweet that you sent out with that video that we
21 just played, right?

22 A Yes.

23 Q And that tweet -- and it's titled "A message for
24 Charlottesville"?

25 A Yes.

R. Spencer - Direct

1 Q And the tweet went out at 12:51, right?

2 A Yes.

3 Q And that's 13 minutes after you sent the disperse tweet,
4 right?

5 A Those are not contradictory messages in the slightest bit,
6 Mr. Bloch. I'm saying we're going to come back. We're not
7 going to back down in the sense that a state of emergency was
8 declared before any speeches were given. And, you know, I was
9 obviously angry, as I state there. "We'll be back," "we're not
10 backing down" is just "rah rah rah."

11 In terms of the tweet about get out of town, disperse,
12 that was meant for as many people who could see it at that
13 time. The state of emergency had been called. It's a good --
14 I had seen some images of chaos going on. It's a good idea to
15 get out of there. Those are not contradictory messages in the
16 slightest bit.

17 Q After -- we can take that down. Thanks, Matt.

18 After you tweeted that video you then went back to
19 McIntire Park, right?

20 A I think eventually -- maybe before that. I'm not exactly
21 positive on that chronology, but if you have time stamps, then
22 that's fair.

23 Look, I'm just simply saying, you know, I'm not positive
24 about the exact chronology. Is that -- if you're representing
25 it that way, then I trust you.

R. Spencer - Direct

1 Q Did you go to McIntire Park after an unlawful assembly was
2 declared?

3 A Yes, that's correct.

4 Q And when you arrived there, there were other white
5 nationalists there, right?

6 A Yes.

7 Q And at this point you agree with me you were outraged,
8 right?

9 A Yeah.

10 Q And you spoke to a number of people at McIntire Park,
11 right?

12 A Yes.

13 Q And a number of your co-defendants were there, right?

14 A Likely. I don't know for sure, but yes.

15 Q And you gave another set of words, right?

16 A I remember -- I remember speaking, yes.

17 Q And if we could show PX -- this is already in -- 2570 from
18 5:24 to -- sorry, from 4:24 to 4:35.

19 (Video playing.)

20 Q Did you say those words in McIntire Park, Mr. Spencer?

21 A Yes.

22 Q And if we could introduce or show Mr. Spencer PX-3143.
23 This is a text.

24 Is this a text, Mr. Spencer, that you received from
25 Mr. Kessler at 2:18 on August 12th?

R. Spencer - Direct

1 A Yes.

2 MR. BLOCH: Judge, I offer PX-3143 in evidence and
3 publish to the jury.

4 THE COURT: You may.

5 (Plaintiffs' Exhibit 3143 marked.)

6 (Plaintiffs' Exhibit 3143 admitted.)

7 BY MR. BLOCH:

8 Q This is a text, Mr. Spencer, you received from Mr. Kessler
9 at 2:18 on August 12th. And you said, "We're still meeting at
10 the after-party location" -- I'm sorry. Mr. Kessler says,
11 "We're still meeting at the after-party location at 5 p.m.
12 Capacity is only 150 so leaders and essential people only. We
13 need to talk about how we move forward. Potentially having a
14 press conference in the near future to get our side of the
15 story out." Right?

16 A I see that, yes.

17 Q And so Mr. Kessler was inviting you to the after-party
18 location for leaders and essential people only, right?

19 A That's what he says, yes.

20 Q And you then, if we could show -- sorry, we read this,
21 that he wanted to talk about how to get your side of the story
22 out, right?

23 A Right.

24 Q And if we could show Mr. Spencer PX-3092.

25 (Plaintiffs' Exhibit 3092 marked.)

R. Spencer - Direct

1 BY MR. BLOCH:

2 Q Do you recognize this as a text, Mr. Spencer, from Eli
3 Mosley to you at 6:38 on August 12th?

4 A I see that.

5 MR. BLOCH: I would like to move this into evidence,
6 Judge.

7 THE COURT: Be admitted.

8 (Plaintiffs' Exhibit 3092 admitted.)

9 BY MR. BLOCH:

10 Q So at 6:38 p.m, Mr. Spencer, on August 12th you received a
11 text message from Eli Mosley that says, "Basically when you get
12 here, grab a drink, say a couple of words while everyone cheers
13 and then we're going to head upstairs with the people that
14 matter and talk about a press release. Kyle Bristow is
15 suggesting that we do it." Right?

16 A Right.

17 Q Now, you didn't have any -- no one had told you at that
18 point that you were a suspect in anything that happened that
19 day, right?

20 A No one has ever told me that I'm a suspect in anything
21 that happened that day, Mr. Bloch.

22 Q And Kyle Bristow is an attorney, right?

23 A Yes.

24 Q And he's an attorney that represents white nationalists,
25 right?

R. Spencer - Direct

1 A He has done that in the past, yes.

2 Q And Elliot Kline had told you that Kyle Bristow was
3 suggesting a press strategy, right?

4 A Yes.

5 Q And the leadership meeting that Mr. Kessler and Mr. Kline
6 are talking about in these texts, you did attend that meeting,
7 right?

8 A Yes.

9 Q That was actually the meeting where you did the tirade,
10 right?

11 A Yes.

12 Q Now -- we can take that down, Matt, thank you.

13 In the immediate aftermath of what happened on Saturday,
14 you and other leaders of the event initially decided to
15 coordinate a message to the press, right?

16 A That was the idea behind that meeting, was, you know,
17 this -- so many things had happened, we definitely want to tell
18 our side of the story, you know, and having a clear and
19 consistent message is the best way to do that, sure.

20 Q And initially your plan was to involve Mr. Kessler in the
21 coordination of that press strategy, right?

22 A Yes. I assumed so, yeah, that he would --

23 Q And you've testified today that you don't like
24 Mr. Kessler, right?

25 A I'm afraid so.

R. Spencer - Direct

1 Q And isn't it true, Mr. Spencer, that the day after Unite
2 the Right you actually made a tactical decision to separate
3 yourself from Mr. Kessler?

4 A You could say that, yes. I felt like there was no point
5 in -- really in working with him in any way, yes.

6 Q And so if we could just show Mr. Spencer 3142.

7 Do you recognize this as a text you sent to Greg Conte and
8 Evan McLaren on August 13th, I believe?

9 A It's from myself to Greg Conte, yes. To Evan and Greg,
10 yes.

11 MR. BLOCH: Judge, I would offer PX-3142 into
12 evidence.

13 THE COURT: Be admitted.

14 MR. BLOCH: And published, please.

15 (Plaintiffs' Exhibit 3142 marked.)

16 (Plaintiffs' Exhibit 3142 admitted.)

17 MR. BLOCH: And so -- if we could see the date.

18 BY MR. BLOCH:

19 Q Mr. Spencer, on August 13th at 9:42 a.m. you sent a text
20 message to Greg Conte and Evan McLaren and you said, "Maybe a
21 strategy is to separate ourselves from Kessler," right?

22 A Yes.

23 Q And once you made that tactical decision, you texted him
24 to say you were separating from him, correct?

25 A Texted Kessler?

R. Spencer - Direct

1 Q Correct.

2 A I -- probably the case, yes.

3 Q And you said -- why don't we just show PX-3502. Is this a
4 text message that you sent to Mr. Kessler on August 13th?

5 A Yes.

6 MR. BLOCH: I would move 3502 into evidence.

7 (Plaintiffs' Exhibit 3502 marked.)

8 THE COURT: Be admitted.

9 (Plaintiffs' Exhibit 3502 admitted.)

10 BY MR. BLOCH:

11 Q Mr. Spencer, you texted Mr. Kessler on August 13th after
12 you had made the choice to separate yourselves from him, that,
13 quote, "You are not listening to leadership," right?

14 A Yes.

15 Q You then --

16 MR. BLOCH: We can take that down. Thanks.

17 BY MR. BLOCH:

18 Q You then coordinated your own press strategy with Nathan
19 Damigo and Greg Conte, correct?

20 A Correct.

21 Q You in fact came up with a set of talking points, right?

22 A I'm sure I did.

23 Q And you came up with a set of talking points so that
24 everyone in your group stayed on message, right?

25 A Right.

R. Spencer - Direct

1 Q And the talking points that you came up with so that
2 everybody stayed on message were, police broke up peaceful
3 rally, forced us into dangerous space with Antifa, right?

4 A Again, if you show that -- that sounds right. If you show
5 it to me, I can confirm.

6 MR. BLOCH: If we could show first 3140B and then
7 3140A.

8 (Plaintiffs' Exhibit 3140A marked.)

9 (Plaintiffs' Exhibit 3140B marked.)

10 BY MR. BLOCH:

11 Q Is this a text you received?

12 A Yes.

13 MR. BLOCH: I would move 3140B into evidence, Judge.

14 THE COURT: Be admitted.

15 (Plaintiffs' Exhibit 3140B admitted.)

16 BY MR. BLOCH:

17 Q Mr. Spencer, you received a text message at 8 p.m. on
18 August -- 8:05 p.m. on August 13th, 2017. It said, "Richard,
19 Scott, Megan's friend, also did security for Jason. I was
20 asked to be on a podcast and talk about our event. Is there a
21 talking points type memo that you have that I can emphasize so
22 we're all staying on message? I assume we're condemning the
23 violence and condemning the Charlottesville police department
24 for not enforcing our permit which ultimately led to violence?"

25 A Yes.

R. Spencer - Direct

1 Q And then if we could show 3140.

2 Is that a text message you sent in response, Mr. Spencer?

3 A Yes.

4 MR. BLOCH: I would move 3140A into evidence.

5 THE COURT: Be admitted.

6 (Plaintiffs' Exhibit 3140A admitted.)

7 BY MR. BLOCH:

8 Q And the talking points you came up with so that everyone
9 stayed on message were: Police broke up peaceful rally, forced
10 us into dangerous space with Antifa, right?

11 A Yes.

12 MR. BLOCH: We can take that down.

13 BY MR. BLOCH:

14 Q Now, you became aware of a lawsuit that had been filed
15 against you and all organizers of the rally on August 15th,
16 right?

17 A That sounds right.

18 Q And if we could show Mr. Spencer PX-3080.

19 Is that a text message you received?

20 A Yes.

21 MR. BLOCH: I would move PX-3080 into evidence and
22 published, please.

23 THE COURT: Be admitted.

24 (Plaintiffs' Exhibit 3080 marked.)

25 (Plaintiffs' Exhibit 3080 admitted.)

R. Spencer - Direct

1 BY MR. BLOCH:

2 Q Mr. Spencer, you received a text message on August 15th,
3 2017 from Evan McLaren. It says, "Big lawsuit against you and
4 us. All organizers included." Right?

5 A Yes.

6 Q Now, Evan McLaren was a friend of yours, right?

7 A He still is, yes.

8 Q Still is. And he was present for the meetings that you
9 had over the summer about Charlottesville, right?

10 A I'm sure he was.

11 Q And knowing you and the role that you played in all of
12 this, he seems to have regarded you as an organizer, right?

13 A He said "you and us. All organizers included." I mean,
14 yes. I mean, I was the most famous man in the alt-right. I
15 think if there was going to be any -- you know, any kind of
16 suit or something like that, it would involve me.

17 Q You then became aware of this lawsuit on August -- excuse
18 me, October 12th, right, 2017?

19 A That sounds right.

20 Q And would it be fair to say that you immediately began
21 coordinating again with your co-defendants?

22 A I mean, you can show me this. I'm sure that I coordinated
23 in some fashion with someone when a lawsuit is coming my way.

24 Q Well, you immediately -- if we could show 3137.

25 Is this a text message that you sent to Matthew Heimbach

R. Spencer - Direct

1 on October 12th, 2017?

2 A Yes.

3 MR. BLOCH: I would move this into evidence, Judge,
4 PX-3137.

5 THE COURT: Be admitted.

6 (Plaintiffs' Exhibit 3137 marked.)

7 (Plaintiffs' Exhibit 3137 admitted.)

8 BY MR. BLOCH:

9 Q And on October 12th, 2017, you texted Matthew Heimbach and
10 said, "Don't say anything. Establish legal defense fund."
11 Correct?

12 A I said that.

13 MR. BLOCH: If we could also show PX-1393.

14 (Plaintiffs' Exhibit 1393 marked.)

15 BY MR. BLOCH:

16 Q Do you see this text message, Mr. Spencer?

17 A I do.

18 Q And is this --

19 A I think it's to me.

20 Q Is this a text that you received from Mr. Kessler on
21 October 12th?

22 A Yes.

23 MR. BLOCH: I would move 1393 into evidence.

24 THE COURT: Be admitted.

25 (Plaintiffs' Exhibit 1393 admitted.)

R. Spencer - Direct

1 BY MR. BLOCH:

2 Q And Mr. Kessler texted you on October 12th, 2017 and said,
3 "We need to have a coordinated response. Enough with the
4 infighting," right?

5 A Yes.

6 MR. BLOCH: Now, if we could also show Mr. Spencer
7 PX-3077, as well as 3519.

8 THE CLERK: I'm sorry. Can you say that again?

9 MR. BLOCH: 3077.

10 THE CLERK: And?

11 MR. BLOCH: And 3519.

12 (Plaintiffs' Exhibit 3077 marked.)

13 (Plaintiffs' Exhibit 3519 marked.)

14 BY MR. BLOCH:

15 Q Is this a text, Mr. Spencer, that you received from Colton
16 Merwin and responded to?

17 A Yes.

18 MR. BLOCH: I would move PX-3077 and 3519 into
19 evidence.

20 THE COURT: Be admitted.

21 (Plaintiffs' Exhibit 3077 admitted.)

22 (Plaintiffs' Exhibit 3519 admitted.)

23 BY MR. BLOCH:

24 Q You received a text, Mr. Spencer, from Colton Merwin on
25 March 12th, 2018 at 7:25 p.m., and he says: "Myself and Jamie

R. Spencer - Direct

1 Troutman have been talking it over and we think a black-white
2 (alt-right/black nationalist) alliance might be necessary to
3 win over normies and have plausible deniability of
4 racism/hatred. We'd love to meet up to talk more in-depth
5 about this idea." Right?

6 A Okay. Yes.

7 Q And you responded: "I agree and I like it," right?

8 A Yeah. I like the idea of reaching out to black
9 nationalists. I think it's a good idea.

10 Q And particularly just focusing your attention on the part
11 where you say -- could I see the -- it "might be necessary to
12 win over normies and to have plausible deniability of racism,"
13 would it be fair to say that you discussed the idea of joining
14 with a black group to make yourselves seem less racist?

15 A That's what Colton said. I agreed with the idea. I've
16 never been against those types of ideas in terms of, if there
17 can be some way that a group that is not white, but actually
18 can see eye-to-eye that we can do something together or at
19 least talk with each other, I'm -- I'm totally for that idea,
20 however you want to do it, however you want to think about it.
21 I'm not sure that linking up with black nationalists would win
22 over normies, to be honest. But I'm pro-that idea still.

23 Q You agree that there's nothing in the text from Mr. Merwin
24 that says there's any reason to do this other than winning over
25 normies and having plausible deniability?

R. Spencer - Direct

1 A I just described my reasoning. That is Colton's
2 reasoning. This is my reasoning, as I have expressed.

3 Q I'm almost done here, Mr. Spencer.

4 Mr. Spencer, you claim that what you wanted to do at Unite
5 the Right was give a speech, right?

6 A Yes.

7 Q And you claim that you were hoping to hear other people
8 give speeches, right?

9 A Yes.

10 Q And you claim that you were hoping that it was peaceful,
11 right?

12 A Yes.

13 Q And would it be fair to say that none of those things were
14 achieved?

15 A Unfortunately, yes.

16 Q In fact, what happened is you didn't get to give a speech,
17 right?

18 A Right.

19 Q Nobody from the alt-right got to give a speech, right?

20 A Right.

21 Q It was, in fact, incredibly violent, right?

22 A It turned out to be tragic. Absolutely.

23 Q One woman was killed, right?

24 A Yes.

25 Q Dozens were maimed, right?

R. Spencer - Direct

1 A Yes.

2 Q And you told this jury last week that you have, quote,
3 "regrets" about being involved in the rally, right?

4 A Yes.

5 Q You told the jury last week that you thought
6 Charlottesville was a disaster, right?

7 A Yes.

8 Q And that sounds like the right thing to say in court,
9 doesn't it?

10 A It's also the truthful thing.

11 Q Well, you were interviewed hours after Heather Heyer was
12 killed, right?

13 A I might have been.

14 Q And what you said then was that it was a huge moral
15 victory in terms of the show of force, right?

16 A I remember saying something to that effect. I think it
17 was to the *New York Times*.

18 Q And you also said in another interview that day that Unite
19 the Right "felt like a win because we demonstrated our
20 resolve," right?

21 A That rings a bell of what I said.

22 Q You thought at the time that Charlottesville was, quote,
23 "an amazing event because people were willing to occupy space,"
24 right?

25 A I have said that. I've -- you've already shown me images

R. Spencer - Direct

1 or audio of my saying that. So yes, that rings true.

2 MR. BLOCH: And if we could show Mr. Spencer PX-2569.

3 (Plaintiffs' Exhibit 2569 marked.)

4 BY MR. BLOCH:

5 Q From 1:08:21. This is -- it's actually audio is the
6 most -- it's video, but it's the audio that I want to play.

7 Is this you talking, Mr. Spencer?

8 A Yes, that's me talking.

9 MR. BLOCH: So I would move PX-2569 into evidence
10 from 1:08:21 to 1:08:57.

11 THE COURT: Be admitted.

12 (Plaintiffs' Exhibit 2569 admitted.)

13 (Video playing.)

14 BY MR. BLOCH:

15 Q Mr. Spencer, you said that Charlottesville "remains an
16 amazing event in terms of everyone working in parallel," right?

17 A Yes. I meant that. I mean, thousands of people came to
18 one spot and were attempting to have a demonstration about a
19 very controversial subject. And so that remains what it is. I
20 have very complicated feelings towards Charlottesville,
21 particularly as I look back.

22 Q What you said was "the sense of togetherness and boldness
23 and power was amazing"?

24 A All of that -- all of that is true, particularly on Friday
25 night. You know, there was a sense of coming together and so

R. Spencer - Direct

1 on. Again, I have a complicated view of Charlottesville. And
2 I do have a great deal of regrets, and I was aware on
3 August 12th that we had run up against a brick wall, as I said,
4 that this turned very tragic and a disaster. That was one of
5 the reasons why you can see, as evidenced in many of the things
6 you've played, that I was in a state of extreme agitation. And
7 I was deeply frustrated.

8 I did say -- I think I did tell the *New York Times* it was
9 a moral victory. I think you -- a moral victory is another
10 word for a loss. That's what you say when, well, we did
11 something right, but it all didn't work out. And that is -- I
12 have complicated feelings on that day. I had intense emotions
13 on the day of August 12th, particularly after learning about
14 deaths and serious injuries and just chaos.

15 As time has gone on, I do have a complicated retrospective
16 look-back at Charlottesville. And there are a lot of different
17 emotions. Some things actually were good from my perspective.
18 There was a lot that's very bad. And, you know, I do have
19 regrets as well. That is my human response to being involved
20 in this incident.

21 Q So the question was: What you said was "the sense of
22 togetherness and boldness and power was amazing." Did you
23 say --

24 A Those were some good things, as I just said, yes. There
25 were some good things and many tragic things.

R. Spencer - Cross

1 Q Isn't it true, Mr. Spencer, that the reason why you
2 thought Charlottesville was amazing is because you accomplished
3 exactly what you set out to do?

4 A Absolutely not.

5 MR. BLOCH: I have nothing further, Judge.

6 THE COURT: All right.

7 CROSS-EXAMINATION

8 BY MR. KOLENICH:

9 Q Good afternoon, Mr. Spencer.

10 A Good afternoon.

11 Q As you're aware, I represent Jason Kessler, Nathan Damigo,
12 and Identity Evropa; do you recall that?

13 A Yes.

14 Q Do you still have your deposition up there?

15 A I do.

16 Q Would you please turn to page 188?

17 A Got it.

18 Q Would you agree with me that on page 188 you testified
19 that Elliot Kline stopped often at your Alexandria, Virginia
20 residence during the summer of 2017?

21 A Yes.

22 Q Why did Mr. Kline stop often at your residence in the
23 summer of 2017?

24 A Well, Eli Kline was just very energetic, and he -- as he's
25 bragged about in much of the evidence that we've seen, he

R. Spencer - Cross

1 wanted to just be talking to everyone and be everyone's friend,
2 and I think he accomplished that for at least a short period of
3 time. So he would stop by for all sorts of reasons. Many of
4 those had nothing to do with the UTR rally.

5 But yes, throughout the summer of 2017, he would stop by
6 and talk and all sorts of things like that.

7 Q Did you tell Mr. Bloch that he provided bodyguard services
8 for you at one point?

9 A He has done that. So on April -- in April of 2017 we did
10 a demonstration that was unrelated to Unite the Right, and he
11 was a bodyguard then. And I don't believe he acted as a
12 bodyguard during the Charlottesville event.

13 Q When he's provided bodyguard services to you, was he also
14 a member of Identity Evropa?

15 A I believe so.

16 Q Was he an officer of Identity Evropa?

17 A In April of 2017?

18 Q Yes. Yes.

19 A I don't know the ins and outs of it, to be honest, but I
20 don't think so.

21 Q Very well. Can you explain how a member of Identity
22 Evropa came to be employed by you as a bodyguard?

23 A He was not employed in the sense of being paid. It was a
24 volunteer. I think he wanted to be around Richard Spencer who
25 at the time was a -- you know, an anti-celebrity of sorts. I

R. Spencer - Cross

1 think he wanted to be around there -- around me.

2 Q Do you recall telling Mr. Bloch about a movement -- do you
3 recall -- withdrawn.

4 Do you recall when Mr. Bloch asked you about starting a
5 movement?

6 A I vaguely recall that.

7 Q Mr. Bloch asked you: "Does not a movement need leaders,
8 followers, and foot soldiers?" Do you recall that?

9 A I recall that, yes.

10 Q You're aware that in the summer of 2017 -- well,
11 withdrawn.

12 Are you aware that in the summer of 2017 Identity Evropa
13 was the largest alt-right organization in the United States?

14 A That doesn't surprise me to learn that it was the largest.

15 Q Are you aware how many members they had, dues-paying
16 members, at the time?

17 A I don't know the exact number. I never looked into it,
18 but I don't know.

19 Q If I told you it was well in excess of 1,000, would you
20 have any reason to doubt that?

21 A Well in excess of 1,000?

22 Q Yes.

23 A I just simply don't know. That sounds like a little much,
24 to be honest, if I'm just answering honestly, but I don't know
25 the exact numbers.

R. Spencer - Cross

1 Q You seem surprised, Mr. Spencer. Did you not just a
2 moment ago tell me that you didn't really know anything about
3 the inner workings of Identity Evropa?

4 A Well, that's what I'm saying. I don't know the inner --
5 excuse me.

6 I don't know the inner workings of Identity Evropa.
7 That's what I'm saying. I'm a little bit surprised by saying
8 well in excess of 1,000. I'm just estimating. I don't know.

9 Q Why would you be surprised if you don't know anything
10 about their interior matters?

11 A I have no idea what you're getting at. I mean, I'm simply
12 thinking about groups. That number surprises me a bit. But I
13 don't know.

14 THE COURT: Well, you asked him a question and he
15 gave you his answer. So...

16 MR. KOLENICH: Yes.

17 THE COURT: I mean, that's why he gave you an answer.

18 MR. KOLENICH: Thank you, Your Honor.

19 BY MR. KOLENICH:

20 Q Mr. Spencer, you testified you know who Greg Conte is; is
21 that correct?

22 A Yes.

23 Q Who is Greg Conte?

24 A Greg Conte was a friend of mine and we had a podcast,
25 among other things. He worked with me in all sorts of ways.

R. Spencer - Cross

1 Q And was he not also supposed to be a member of Identity
2 Evropa?

3 A I don't know whether he was a member or not. It wouldn't
4 surprise me, but I simply don't know.

5 Q Did you tell Mr. Bloch that you sent Greg Conte to a
6 leadership meeting at McIntire Park?

7 A I don't think I used -- are those the exact words I used?

8 Q I'm asking you.

9 A I sent -- no, I don't think I said I sent.

10 Q Would you please turn to page 177 of your deposition?

11 A Okay.

12 Q Page 177, line 14.

13 Question: "Okay, but Greg Conte would communicate with
14 other organizers like Kessler and Kline and then report back to
15 you whenever you needed to know about Unite the Right,
16 correct?"

17 A Right.

18 Q Your answer: "Yes, or not report back to me, yes."

19 Question: "Okay, but that was, however -- however well he
20 did that job, that was a component of his responsibilities,
21 correct?"

22 Your answer: "Correct."

23 Do you see that testimony?

24 A Yes.

25 Q Did you say that?

R. Spencer - Cross

1 A I said that testimony, yes.

2 Q Could you explain how it is that Greg Conte has
3 responsibilities towards you?

4 A Well -- you want me to explain that to you now?

5 Q Yes, please.

6 A Okay. Greg Conte was very enthusiastic about things like
7 security and demonstrations and so on. So he was in charge of
8 that kind of stuff for me. And he would report back to me
9 or -- as I was suggesting, or not. He kind of would just act
10 on his own. He was the rather silent type. I mean, I don't
11 know what to say. I said that. That's accurate.

12 Q Let me see if I understand. Mr. Kline provided bodyguard
13 services to you because he's enthusiastic to be around you and
14 Mr. Conte went to leadership meetings and reported back to you
15 because he's enthusiastic about reporting back to you; is that
16 your testimony?

17 A No.

18 Q Did you not just use the phrase "enthusiastic" to respond
19 to both questions?

20 A I said Greg Conte is enthusiastic about doing activism and
21 demonstrations and about security matters and so on. That's
22 what I just said. I don't know what you're getting at.

23 Q Allow me to be explicit. I'm getting at: Were you not
24 paying these men to provide services for you?

25 A I was not paying Elliot Kline. Greg was paid, I think at

R. Spencer - Cross

1 some point, but Greg was much closer to me.

2 Q Mr. Spencer, what is your source of income?

3 A My source of income -- what, during 2017?

4 Q Sure.

5 A Was donations. It was a -- yes, it was donations to the
6 various things that I would do.

7 Q So alt-right donations?

8 A Right.

9 Q What was, if you know, Identity Evropa's source of income?

10 A Dues --

11 MR. BLOCH: Objection, foundation, Judge.

12 THE WITNESS: Right. That's actually -- from what I
13 understand, dues and donations --

14 MR. BLOCH: Objection, Judge.

15 THE COURT: Excuse me?

16 MR. BLOCH: I'll withdraw, Judge.

17 MR. KOLENICH: I'll restate the question -- I'm
18 sorry. Withdraw the prior question.

19 THE COURT: I'm sorry. I got a note and I was
20 looking at the note.

21 MR. KOLENICH: That's all right, Your Honor. We've
22 withdrawn everything that we were talking about. We'll start
23 over.

24 BY MR. KOLENICH:

25 Q Did Eli -- sorry.

R. Spencer - Cross

1 Did Elliot Kline, or Eli Mosley, ever talk to you about
2 Identity Evropa's source of income?

3 A I'm sure he talked to me about it at some point, but
4 again, it's a membership organization. It's fair to assume
5 that its -- the income is based on dues.

6 Q Very well. Did Greg Conte ever talk to you about Identity
7 Evropa's source of income?

8 A I don't think so, no.

9 Q You told Mr. Bloch about a man named Evan McLaren, did you
10 not?

11 A Yes.

12 Q Was he a member of Identity Evropa?

13 A I think so.

14 Q What did he do for you?

15 A He was executive director and just all-around
16 collaborator. On the podcast --

17 Q Executive director of -- I'm sorry. Are you done with
18 your answer?

19 A Well, I'll finish. Executive director of NPI. And we did
20 podcasts. We were friends as well.

21 Q So he was employed by you at NPI?

22 A Yes.

23 Q Did you tell Mr. Bloch that you attended a meeting with
24 David Duke, Greg Conte, and Elliot Kline at one point?

25 A Yes. I believe when we arrived in Charlottesville we went

R. Spencer - Cross

1 and grabbed a bite to eat and a drink and David Duke came and
2 wanted to meet me.

3 Q Very well. Mr. Spencer, is it true that your credit card
4 was once rejected for a \$4 tab at a coffee house?

5 A That was -- I think that happened in 2018.

6 Not quite. I don't think it was actually rejected. And
7 it was at a bar. I remember that became a meme on Twitter
8 because there's a bar in Whitefish that I don't go to because I
9 think they dislike me pretty intensely there. And that became
10 a meme. I'm not sure it was actually rejected, but yeah.

11 Q All right. So your answer is you're not sure?

12 A I was correcting you. You said a coffee house.

13 THE COURT: What's the point? What is the relevance
14 of this?

15 MR. KOLENICH: Could I have one or two more
16 questions?

17 THE WITNESS: I mean, I've had my credit cards --

18 THE COURT: All right.

19 THE WITNESS: -- rejected plenty of times --

20 THE COURT: Okay. Mr. Spencer --

21 THE WITNESS: -- for various reasons.

22 THE COURT: Let him ask a question. Go ahead.

23 BY MR. KOLENICH:

24 Q Mr. Spencer, is it not true that in the summer of 2017 you
25 were attempting to grow your own organization within the

R. Spencer - Cross

1 alt-right?

2 A Sure. I mean, I don't know what to say. I'm always
3 trying to grow. That's just kind of almost a redundant
4 question.

5 Q Were you trying to grow your own dues-based organization
6 within the alt-right?

7 A When?

8 Q In the summer of 2017?

9 A No.

10 Q No?

11 A No.

12 Q You didn't want to grow the movement?

13 A I didn't say that. I just said -- you asked, do you want
14 to grow your organization? Of course. That seems almost a
15 redundant question.

16 Did you want to grow a dues-paying organization in the
17 summer of 2017? The answer is no.

18 Q Did you send Elliot Kline and tell him to join the group
19 Identity Evropa?

20 A No.

21 Q Did you tell Greg Conte to join the group Identity Evropa?

22 A No.

23 Q Did you tell Evan McLaren to join the group Identity
24 Evropa?

25 A No.

R. Spencer - Cross

1 Q Do you know why Elliot Kline was pushed out of Identity
2 Evropa by Nathan Damigo?

3 A I don't know.

4 Q Do you know the time frame that happened?

5 A If -- you can correct me if I'm wrong -- I believe it was
6 October of 2017.

7 Q So in the immediate aftermath of the Unite the Right
8 event?

9 A Not exactly the immediate aftermath, but in the aftermath.

10 Q Mr. Spencer, do you recall in several of the videos you
11 were shown by the plaintiffs that you were walking behind an
12 Identity Evropa flag?

13 A Yes. That would happen.

14 Q How often did you communicate with Elliot Kline in the
15 runup to Unite the Right?

16 A We communicated quite a bit.

17 Q What does "quite a bit" mean, if you could quantify that?

18 A If not every day, certainly many times per week. There
19 were a lot of text messages about all sorts of things.

20 Q Mr. Spencer, were you attempting through your employment
21 or other relationship with Kline, McLaren, or Conte to take
22 control of the group Identity Evropa?

23 A No. We finally got to the conspiracy theory. I'm happy.
24 No. It's amusing, but no.

25 Q So you've heard this allegation before?

R. Spencer - Cross

1 A The amount of allegations I have heard about me is
2 unfathomable. I have not -- I guess I probably heard something
3 like this. I was wondering what you were getting at. That's
4 cute. No.

5 Q So you recognize what I'm getting at now?

6 A I recognize what you're getting at, which is that people
7 make all sorts of unfounded claims about me. And here is yet
8 another.

9 Q On the subject of unfounded claims, Mr. Damigo --

10 MR. KOLENICH: Could we see Plaintiffs' 2514 again,
11 please?

12 (Video playing.)

13 MR. KOLENICH: Could you stop it? Could you just
14 play it muted? I'd like the witness to just focus on the
15 images.

16 Is it possible to go frame-by-frame or more slowly?
17 No? Okay.

18 BY MR. KOLENICH:

19 Q Mr. Spencer, could you please watch this video and just
20 tell us when you see Nathan Damigo?

21 A Someone -- I'm not sure -- someone sort of looked like
22 Nathan Damigo that I saw, but I'm not positive about that.

23 MR. KOLENICH: Could you run the video again, please?

24 (Video playing.)

25 THE WITNESS: Yeah, I'm wondering if that -- I can't

R. Spencer - Cross

1 tell for certain. You know, I wouldn't want to identify anyone
2 in that. I can identify myself. I wouldn't want to identify
3 anyone. It's blurry and their faces are obscured, and they're
4 not --

5 BY MR. KOLENICH:

6 Q Did you not tell Mr. Bloch that Nathan Damigo was in this
7 video?

8 A I didn't say that he was in that video. I think I said
9 that he was at that party.

10 Q Is it your testimony, sir, to this jury that in the runup
11 to Unite the Right in the summer of 2017 you were not, in fact,
12 sending your employees into Identity Evropa to take control of
13 that organization?

14 A Yes. I'm telling them that. That's absurd.

15 Q Who was Elliot Kline working for at the Unite the Right
16 event?

17 A He was working for Identity Evropa. He was not my
18 bodyguard, nor was he around me at the time.

19 Q He was providing bodyguard services to you, right?

20 A He provided bodyguard services for me. This is amusing.
21 He provided bodyguard services for me in April at a completely
22 unrelated demonstration.

23 Q He met with you frequently at your residence in
24 Alexandria, Virginia?

25 A Yes.

R. Spencer - Cross

1 Q Mr. Conte had obligations to report to you,
2 responsibilities to you, correct?

3 A Yes.

4 Q And Mr. McLaren was actually employed by you at the NPI;
5 is that correct?

6 A Yes.

7 Q And yet you're telling this jury that you had nothing to
8 do with those men joining IE; is that correct?

9 A Yes. I think they joined -- I think Evan joined long
10 before he came to work for me. But I don't know.

11 MR. KOLENICH: Thank you, Mr. Spencer. I have no
12 further questions.

13 THE COURT: Okay. Let me bring up one thing here.

14 Dillon Hopper, who is on Zoom, is asking if there
15 will be a time for him to ask Mr. Spencer questions. He's not
16 a lawyer and he's not permitted to represent him and he's not a
17 party. So I don't know of any way he has a right to ask any
18 questions. So his answer is no.

19 MR. KOLENICH: Yeah, I don't think he can, Your
20 Honor.

21 THE COURT: Okay. Who is next?

22 MR. CANTWELL: I could go. I don't know if any of my
23 co-defendants have shorter things. I'm probably going to be a
24 little while, Mr. Spencer.

25 Do you have many questions, Mr. Jones?

R. Spencer - Cross

1 (Discussion off the record.)

2 MR. JONES: Do you want to go first?

3 MR. CAMPBELL: Sure.

4 CROSS-EXAMINATION

5 BY MR. CAMPBELL:

6 Q Good afternoon, Mr. Spencer.

7 A Good afternoon.

8 Q As you know, I represent James Fields.

9 A Yes.

10 Q Just a few questions for you.

11 Prior to August 12th, did you know the name James Fields?

12 A No. I learned of it from the news after the car incident
13 was reported.

14 Q Yes, sir. And following that, you've seen his picture
15 many times, I'm sure?

16 A Yes.

17 Q Did that refresh your recollection or do you recall ever
18 seeing James Fields at any alt-right rally, event, planning
19 meeting, or anything along those lines?

20 A I had no communication with James Fields whatsoever. I've
21 never had communication with James Fields, to my knowledge.
22 But I do know him simply from the media reports.

23 Q And in your mind, when was the Unite the Right rally over?

24 A Well, I think you could say when the state of emergency
25 was called. I mean, that's when -- around noon on August 12th.

R. Spencer - Cross

1 That's when it was just clear that no Unite the Right rally was
2 going to really take place. So that's how I would understand
3 it.

4 Q And do you recall some of the planning materials and the
5 fliers and that sort of thing, some of which were shown to you
6 during your testimony earlier today?

7 A I recall those, yes.

8 Q Do you recall them listing a location and a time for the
9 Unite the Right rally to begin?

10 A Yes. I believe it was noon on -- in Lee Park or
11 Emancipation Park.

12 MR. CAMPBELL: Thank you, sir. I don't have any more
13 questions.

14 THE WITNESS: Thank you.

15 MR. CAMPBELL: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. JONES:

18 Q Good afternoon. I represent Michael Hill, Michael Tubbs,
19 and League of the South.

20 A Yes.

21 Q During your testimony you testified that there were some
22 of the groups that attended -- that were planning on attending
23 the rally that splintered off from Jason Kessler's plans for
24 the rally. Do you remember that?

25 MR. BLOCH: Objection. Mischaracterizes testimony.

R. Spencer - Cross

1 THE COURT: Well, repeat that. Listen, Mr. Spencer,
2 carefully.

3 Okay. Go ahead.

4 MR. JONES: I'll just rephrase.

5 BY MR. JONES:

6 Q Do you recall testifying earlier today that there was a
7 group of people or organizations coming to the Unite the Right
8 that developed a different set of plans from Jason Kessler's
9 main set of plans?

10 MR. BLOCH: Objection. Mischaracterizes testimony.

11 THE COURT: Well, the jury has to recall what the
12 evidence was. Do you recall -- what did you testify to in that
13 regard?

14 THE WITNESS: I'm not sure I testified to that.

15 BY MR. JONES:

16 Q You don't recall? Okay. That's fine.

17 What year did you graduate from UVA?

18 A 2001.

19 Q And you testified that although there was some dispute,
20 you're one of the -- if not the person who coined the term
21 "alt-right"; is that right?

22 A Correct.

23 Q Approximately when did that happen?

24 A It was while I was involved with a group called the
25 Mencken Club, and that was around a figure named Paul

R. Spencer - Cross

1 Gottfried, who was a mentor of mine.

2 Q Can you tell me a year, approximate year?

3 A I'm kind of refreshing my memory as I go. He wrote an
4 article about something like an alt-right. I remember titling
5 it when I was editing Taki's Magazine, "The Rise of the
6 Alt-Right" or something like that. So if I were to give a
7 year, maybe 2009 or something like that when I started using
8 the term "alternative right." And I actually started a website
9 called "alternativeright.com" in 2010. So it was around that
10 period that the alt-right term began circulating.

11 Q Do you know or would you consider white nationalism and
12 southern nationalism to be distinct from each other?

13 A They are distinct, yes.

14 Q If you know, what groups represent southern nationalism?

15 A Well, I've -- I know of the League of the South. I know
16 of Dr. Michael Hill. I know of figures like Brad Griffin who
17 have more of a southern populist bent.

18 Q And what groups -- specifically we'll just limit this to
19 the groups that attended the Unite the Right rally.

20 A Okay.

21 Q What groups that attended the Unite the Right rally would
22 you describe as white nationalist groups?

23 A Well, probably most all of them who are defendants. I
24 think we're using the term -- you know, there are obviously
25 plenty of disagreements and people have kind of different

R. Spencer - Cross

1 foundations and principles, but if we're using "white
2 nationalism" as a kind of broad stroke or tenet, I would say
3 that kind of fairly characterizes most all of them.

4 Q So you attended the torch march on August 11th.

5 A Yes.

6 Q Did you see Michael Hill or Michael Tubbs at the torch
7 march?

8 A I don't remember seeing them.

9 Q Do you know whether they were involved in planning the
10 torch march?

11 A I have no --

12 MR. BLOCH: Objection, foundation.

13 MR. JONES: I think he can answer if he knows
14 whether -- if he --

15 THE WITNESS: I don't know that. I have no idea.

16 BY MR. JONES:

17 Q Do you remember whether you asked anybody who worked for
18 you, like Greg Conte, to contact Michael Hill or Michael Tubbs
19 to plan for the torch march?

20 A I don't think I asked Greg Conte or anyone like that to
21 contact Michael Tubbs, no.

22 MR. JONES: That's all the questions I have, thank
23 you.

24 THE COURT: All right.

25 MS. KAPLAN: Can I just grab our computer, Your

R. Spencer - Cross

1 Honor.

2 CROSS-EXAMINATION

3 BY MR. CANTWELL:

4 Q Hello, Mr. Spencer.

5 A Hello.

6 Q There are four text messages which I'd like to bring up
7 one right after the other. And perhaps it would be better if I
8 just said them all right up front. I think plaintiffs' counsel
9 brought up Plaintiffs' Exhibit 3146A, and I'd like to bring in
10 3146B, 3146C --

11 THE CLERK: Are these new exhibits?

12 MR. CANTWELL: I believe they are.

13 THE CLERK: Can you slow down and repeat it.

14 MR. CANTWELL: I'm sorry. I think plaintiffs'
15 counsel brought in -- I think 3146A has been admitted into
16 evidence. I'd like to bring in 3146B, 3146C, and 3146D.

17 (Plaintiffs' Exhibits 3146B, 3146C, and 3146D
18 marked.)

19 MR. CANTWELL: If we can do that, I'd like to publish
20 my screen to the jury while I show these to Mr. Spencer.

21 THE COURT: Go ahead.

22 (Plaintiffs' Exhibits 3146B, 3146C, and 3146D
23 admitted.)

24 BY MR. CANTWELL:

25 Q Richard, the text message that plaintiffs' counsel showed

R. Spencer - Cross

1 you, which was a group message from Augustus Invictus to --
2 this is 3146A we're looking at. I think that's on your screen.
3 This was from Augustus Invictus to Nathan Damigo, me, a number
4 that we don't have identified here, Mr. Hill, Mr. Kessler, and
5 that seems to be the end of that list. That sound about right
6 to you?

7 A That's what it looks like, yes.

8 Q In the body of the message it just says "negative."

9 A Right.

10 Q And the time on that is 6:54 p.m, right?

11 A Right.

12 Q I'm sorry. Wait a second. I've got two different times
13 here. Oh, that's the read date. The date is -- the date and
14 time is 5:56 -- I was looking at the read date, it's below
15 that.

16 A Right.

17 Q I'm going to go back over here to 3146D. And we will
18 notice, I think, the time is different. The time is 5:52,
19 which is earlier than 5:56, right? So it's the same people in
20 that message except it's from Jason Kessler to Nathan Damigo,
21 Christopher Cantwell, 951 number, Augustus Invictus, Michael
22 Hill. And this is from your iPad, so presumably you're on this
23 as well, right?

24 A Right.

25 Q The first message in this chain is, "Getting a lot of

R. Spencer - Cross

1 requests from press. If you're interested in speaking to them
2 and want me to pass on your contact info, let me know." That
3 look about right to you?

4 A Yeah, I actually remember that.

5 Q You remember getting that message?

6 A I do.

7 Q And when plaintiffs' counsel asked you about this message
8 chain, they asked you if everybody on that list were leaders --

9 A Right.

10 Q -- of the event, right?

11 Were you here for my opening statement?

12 A Yes, I was.

13 Q Did your hear me deny that I was --

14 MR. BLOCH: Objection.

15 THE COURT: Just ask him a question, not --

16 BY MR. CANTWELL:

17 Q Okay. Describe, if you would --

18 THE COURT: Just a minute. What's the objection?

19 Because I know in your examination several times you referred
20 to an opening statement.

21 MR. BLOCH: He's asking the witness if the witness
22 heard Mr. Cantwell deny in his opening statement. And I
23 assume -- I don't know where that was going, but that's an
24 improper -- it's irrelevant and an improper line of cross.

25 MR. CANTWELL: I can rephrase the question.

R. Spencer - Cross

1 THE COURT: Go ahead.

2 BY MR. CANTWELL:

3 Q Could you please describe my leadership role in Unite the
4 Right?

5 A As I understand it, I don't know exactly your leadership
6 role in Unite the Right. You were a personality who was
7 involved in some fashion. You were set to speak. I don't know
8 the degree to which you helped organize. I don't know all your
9 plans because I was not with you during most of the time.
10 You -- again, you were a personality podcaster, etc, who was
11 invited there. That's how I understand it.

12 Q Right. You mentioned I was a podcaster, and I see in this
13 message here -- well, what happened here?

14 In this message chain that we're looking at, Mr. Kessler
15 is asking -- because he was getting a lot of requests from the
16 press, right?

17 A Right.

18 Q And so -- yeah, so there's that. There's another thing --

19 A I think he's sending out -- he's sending out a message to
20 other people who are well-known or open advocates, just saying
21 would you like to talk to the press.

22 Q So at least from -- would it be fair to say that from the
23 context of that message, there is not a clear indication that
24 the people on that message are leaders of the event; is that
25 fair to say?

R. Spencer - Cross

1 MR. BLOCH: Objection. The document speaks for
2 itself, Judge.

3 THE COURT: Answer the question, if you know.

4 THE WITNESS: There is no -- there is nothing more
5 that that document says. It does speak for itself. There's
6 nothing more that that document says other than a bunch of
7 journalists are contacting me. Do you guys want to talk to
8 them. That's all that it says.

9 BY MR. CANTWELL:

10 Q To the best of your knowledge, did I end up speaking to
11 journalists at the Unite the Right rally?

12 A I'm sure you did, yes.

13 Q Might have heard something about that?

14 A Yeah.

15 MR. CANTWELL: All right. And then I believe
16 Plaintiffs' Exhibit 2562 I believe is already in evidence. Is
17 that fair? Is that right?

18 THE CLERK: Yes.

19 BY MR. CANTWELL:

20 Q And so, you were asked by plaintiffs' counsel about a
21 chant at this DC free speech rally about Moldylocks, right?

22 A Yes.

23 Q I believe plaintiff's counsel asked you if I was joining
24 in that chant, and I believe you answered in the affirmative;
25 does that sound accurate?

R. Spencer - Cross

1 MR. BLOCH: Objection. Mischaracterizes testimony.

2 MR. CANTWELL: I apologize. Well, let me just play
3 this and then I'll ask you a question about this exhibit that
4 was brought up by plaintiffs' counsel.

5 (Video playing.)

6 BY MR. CANTWELL:

7 Q I think you and I can agree I'm right about here; is that
8 right?

9 A Yes.

10 Q So I'm just going to go ahead and play that video.

11 (Video playing.)

12 Q You see me drinking my Gatorade while that chant was going
13 on?

14 A I did. To be perfectly fair, you were not chanting
15 alongside the other people chanting "Moldylocks," for whatever
16 that's worth.

17 Q Okay. Just grab a couple papers.

18 You know what? Since we have a limited amount of time
19 here, would plaintiffs' counsel, could you pull up my text
20 messages with Mr. Spencer? Could you guys do that for me?

21 MR. BLOCH: Sure.

22 MR. CANTWELL: Thank you. This computer, I don't
23 have the capacity to pull up spreadsheets and I believe that's
24 the format I gave that to you in.

25 BY MR. CANTWELL:

R. Spencer - Cross

1 Q Okay. And so I think -- I'm sorry, let me get my bearings
2 here.

3 A This reminds me of something.

4 THE COURT: Wait a minute. What's the question?

5 THE WITNESS: Okay.

6 BY MR. CANTWELL:

7 Q The question is what does this remind you of, Mr. Spencer?

8 A This reminds me of something --

9 MR. BLOCH: Objection, Judge, to what the text
10 messages remind him of.

11 THE COURT: What is the question?

12 BY MR. CANTWELL:

13 Q We're looking at August 7th right now, and we're all the
14 way at the bottom? I'm a little bit confused. Here we go.

15 I'm seeing my messages with Mr. Spencer go from August 7th
16 to -- all right. Okay. I'm thinking that this -- I apologize.
17 Okay. Now I have my bearings.

18 Could we go up one message at a time just so I have this
19 particular conversation in my view. Just scroll up so I see
20 who's at the top of the screen.

21 Okay. Wait. All right. "Leaving now. See you soon."

22 I asked you on August 7th, 2017, "You have time for a
23 phone call in a little while?"

24 (Reporter clarification.)

25 On August 7th, 2017, I said, "You got time for a phone

R. Spencer - Cross

1 call in a little while? I want to talk to you about this
2 permit issue."

3 Do you recall this conversation, Mr. Spencer?

4 A I remember seeing this earlier, yes.

5 Q Okay. Would it be fair to say you sort of blew me off
6 there?

7 A Yes.

8 Q Later on in that conversation I say to you, "My concern is
9 Kessler wants to do it there regardless and I want to have his
10 back, but I can't risk my carry permit." Right?

11 A Right.

12 Q You say, "We must proceed as planned." I say -- what's
13 the next message there, Mr. Spencer, from me?

14 A "Sounds like the plan just went up on smoke." I presume
15 you meant in smoke. "How far do we deviate seems to be the
16 question. I agree that it must be minimal."

17 Q Then the next message is also from me. Would you read
18 that also?

19 A "I'm willing to risk a lot for our cause, including
20 violence and incarceration. Many in my audience would follow
21 me there too, but I want to coordinate and make sure it's worth
22 it to our cause."

23 Q And Mr. Spencer, risk is -- would you say that risk is
24 something that is sort of inherent in our line of work?

25 A Absolutely. Yes.

R. Spencer - Cross

1 Q Okay. And --

2 THE COURT: Okay. We're at a point we can stop until
3 tomorrow.

4 MR. CANTWELL: Okay.

5 THE COURT: Members of the jury, we're going to
6 recess now until 9 o'clock tomorrow morning. Do not discuss
7 the case with anyone or remain within the hearing of anyone
8 discussing it. Don't watch TV, listen to anything at all.
9 Thank you. You may retire.

10 **(Jury out, 4:55 p.m.)**

11 THE COURT: See you all at 9 o'clock.

12 (Proceedings adjourned, 4:56 p.m.)
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R. Spencer - Cross

C E R T I F I C A T E

I, Lisa M. Blair, RMR/CRR, Official Court Reporter for the United States District Court for the Western District of Virginia, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

/s/ Lisa M. Blair

Date: November 4, 2021